

GAHC010069912021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2760/2021

AMZAD ALI AND ANR
S/O. ASIR UDDIN, VILL. DARIARPAR MAIJALI, P.O. MEDORTARI, P.S.
FAKIRGANJ, DIST. DHUBRI, ASSAM, PIN-783330.

2: KODAM ALI
S/O. ASIR UDDIN
VILL. DARIARPAR MAIJALI
P.O. MEDORTARI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330

VERSUS

THE GOVT OF ASSAM AND 7 ORS
REP. BY ITS SECRETARY, PANCHAYAT AND RURAL DEVELOPMENT
DEPTT., DISPUR, GUWAHATI-06, ASSAM.

2:THE DY. COMMISSIONER

DHUBRI
ASSAM
P.O. AND P.S. DHUBRI
PIN-783301.

3:BDO

JAMADARHAT DEVELOPMENT BLOCK
CHIRAKUTI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330.

4:LDA

JAMADARHAT DEVELOPMENT BLOCK
CHIRAKUTI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330.

5:THE PRESIDENT

PANCHAYAT
CHIRAKUTI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330.

6:THE EXECUTIVE OFFICER

JAMADARHAT DEVELOPMENT BLOCK
CHIRAKUTI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330.

7:NUR ISLAM

S/O. WAHED DEWANI
VILL. DARIARPAR MAIZALI
P.O. MADORTARI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330.

8:ZOHIRUL ISLAM

S/O. LAL CHAND DEWANI
VILL. MEDORTARI BAZAR
P.O. MADORTARI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330

Advocate for the Petitioner : MR. R ALI
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 07.06.2024

Heard Mr. G. U. Ahmed, learned counsel for the petitioners. Also heard Mr. S. Dutta, learned standing counsel, P & RD, appearing on behalf of the State respondents.

Learned counsel for the petitioners has submitted that the present proceeding has been instituted against the settlement as granted by the Jamadarhat Anchalik Panchayat in respect of the rooms as available in Medortari Market Shed in pursuance of the NIT, dated 10.07.2019.

Mr. Ahmed, learned counsel for the petitioners, has submitted that the said tender process was for settlement of the rooms in the said Market Shed for a period of 3 years and accordingly, he has submitted that the period of settlement is since over.

It is submitted by Mr. Ahmed, learned counsel, that the Panchayat authorities after the period of settlement was over, had not proceeded to issue any fresh NIT in the matter and accordingly, the petitioners are deprived of submission of their bids for occupation of one of the rooms so available in the Market Shed and which was so put up for tender vide the NIT, dated 10.07.2019.

Mr. Dutta, learned standing counsel, P&RD, has submitted that the settlement made in pursuance of the NIT, dated 10.07.2019, was so made in respect of bidders

found eligible in the scrutiny so made on the bids so received. He has submitted that the bids as submitted by the petitioners, herein, were not found to have satisfied the eligibility criterias and accordingly, their rates were not taken into consideration for allotment of the rooms, in question.

In view of the above position and it being admitted by the learned counsels for the parties that the earlier NIT was for a period of 3 years only and the said period having already expired; the Panchayat authorities would now be required to initiate a fresh tender process for settlement of the rooms as available in the Market Shed, in question.

In view thereof, the Secretary-cum-Executive Officer, Jamadarhat Anchalik Panchayat, shall now proceed to make settlement of the rooms as available in the Market Shed, in question, by issuing tender in the matter and thereafter, on evaluation of the bids as received in pursuance to such tender, make settlement as per law.

In the event, after completion of the period, for which, the Market Sheds were put up for tender vide the NIT, dated 10.07.2019, any fresh process of tender was initiated and the currency of the same is continuing as on date; the Secretary-cum-Executive Officer, Jamadarhat Anchalik Panchayat, would not be required to issue any fresh tender process till completion of the settlement period in pursuance of any such settlement.

If after 10.07.2019, no fresh tender process was undertaken, the Secretary-cum-Executive Officer, Jamadarhat Anchalik Panchayat, shall now proceed to take steps in the matter after receiving approval as may be called for, from the competent

authority.

The above exercise shall be expeditiously taken and the tenders issued in accordance with law.

With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant