

GAHC010081892022



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

Case No. : WP(C)/2874/2022

KALYAN NATH
S/O- LATE M.M. NATH, PERMANENT RESIDENT OF BORPARA VILLAGE,
WARD NO. 20 (NEAR GEETANJALI PRINTERS), DIST.- BONGAIGAON, PIN-
783380.

VERSUS

THE PRINCIPAL SECRETARY, GOVT OF ASSAM AND 3 ORS
URBAN DEVELOPMENT DEPARTMENT, JANATA BHAWAN, 1ST FLOOR,
BLOCK-C, DISPUR, GUWAHATI-6, ASSAM

2:THE BONGAIGAON MUNICIPALITY BOARD
THROUGH CHAIRMAN
BONGAIGAON
MUNICIPALITY OFFICE
BONGAIGAON
ASSAM
PIN- 783380.

3:EXECUTIVE OFFICER
BONGAIGAON MUNICIPALITY BOARD
BONGAIGAON MUNICIPALITY OFFICE
BONGAIGAON
ASSAM-783380.

4:BOARD OF BONGAIGAON MUNICIPALITY
COMPRISING OF THE WARD COMMISSIONERS
CONSISTING 25 BONGAIGAON MUNICIPALITY WARDS
C/O- THE O/O- BONGAIGAON
MUNICIPALITY BONGAIGAON
ASSAM-783380

Advocate for the Petitioner : MR. P N CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

02.02.2024

- 1.** Heard Mr. P.N. Choudhury, learned counsel for the petitioner and Mr. S.K. Medhi, learned counsel appearing for the respondent Nos. 2, 3 & 4.
- 2.** The petitioner's grievance is that despite having been declared the highest bidder in respect of two mahals regarding parking space in terms of the tender notice dated 29.01.2022 for the period from 01.04.2022 to 31.03.2023, the petitioner was not selected as the settlement holder for the two mahals. Subsequently, another NIT was issued on 25.03.2022 for settlement of the same mahals for the period from 10.04.2022 to 31.03.2023, wherein the petitioner was again declared the highest bidder in respect of two mahals, namely Chilarai Daily Market and Chilarai Parking Mahal. As the petitioner came to learn that the two mahals were going to be settled with some blue eyed members of the Bongaigaon Municipal Board, by cancelling the second NIT dated 25.03.2022, the petitioner approached this Court by way of the present writ petition. This Court vide order dated 29.04.2022 passed an interim order, directing the Bongaigaon Municipal board to not proceed with a fresh NIT.
- 3.** Subsequent to the order dated 29.04.2022, this case has been listed on various dates and adjourned time and again due to various reasons. Today, when the matter is called, it is seen that the period for which the NIT dated 25.03.2022 was called, has long been over, i.e., on 31.03.2023.

4. In that view of the matter, this Court is of the view that nothing survives in the writ petition. As such, this Court is of the view that a fresh NIT should be issued by the Bongaigaon Municipal Board for settlement of the different mahals/parking space. The tender notice for the mahals and the conclusion of the selection process should be done within 31.03.2024. The earnest money deposited by the petitioner should be returned to the petitioner. However, as submitted by Mr. S.K. Medhi, learned counsel for the respondent Nos. 2 to 4, the earnest money need not be returned to the petitioner, if the petitioner submits his tender for the new mahals.

5. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant