

GAHC010087982024



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

Case No. : WP(C)/2328/2024

SANJAY KR. HALDER
S/O BAREN CH. HALDAR,
RESIDENT OF DARCHAWKA, PS GAURIPUR, DIST DHUBRI, ASSAM 783331

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, FISHERY
DEPARTMENT, DISPUR GUWAHATI 06

2:THE DEPUTY COMMISSIONER DHUBRI CUM DISTRICT COMMISSIONER
DHUBRI
(REVENUE FISHERY SECTION) PO
PS AND DIST DHUBRI
ASSAM 783301

3:THE CHIEF EXECUTIVE OFFICER

ZILA PARISHAD DHUBRI
PO
PS AND DIST DHUBRI
ASSAM 783301

4:THE EXECUTIVE OFFICER

DHUBRI MUNICIPAL BOARD
DHUBRI
PO
PS AND DIST DHUBRI
ASSAM 783301

5:SUB DIVISIONAL OFFICER (C)

BILASIPARA
PO AND PS BILASIPARA
DIST DHUBRI
ASSAM 78330

Advocate for the petitioner(s) : Mr. A.Z. Ahmed (Advocate)

Advocate for the respondent(s): Ms. N. Borah, (SC, P & RD R3)

Mr. P. Sharma, (SC, Fishery Department)

Mr. G. Bokalia (Govt. Advocate)

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 18.07.2024

Heard Mr. A.Z. Ahmed, the learned counsel appearing on behalf of the petitioner. Mr. G. Bokalia, the learned Government Advocate, appearing on behalf of the respondent state.

Mr. P. Sharma, the learned Standing Counsel, Fishery Department, Government of Assam, appearing on behalf of the respondents.

2. The petitioner herein was the third highest tenderer in respect to a tender issued on 27.09.2023. The petitioner has approached this Court on the ground that the first and the second highest bidder having withdrawn the said tender ought to have been awarded to the petitioner but rather the respondent authorities have issued a re-tender notice in respect to the said fishery.

3. This Court duly takes note of that the re-tender notice was an E-tender issued in the month of February, 2024, and the closing date was on 10.03.2024. However, the petitioner approached this Court on 30.04.2024. There is no explanation in the writ petition as to why the petitioner approached late. In fact a perusal of paragraph No. 8 & 9 of the writ petition which have been sworn as true to the knowledge of the petitioner, it has been mentioned that the petitioner came to learn about the said re-tender notice.

4. It is seen that an *ex-parte* order was passed on 06.05.2024 on the basis of the judgment of the Division Bench of this Court in the case of ***Deben Das Vs. State of Assam & ors***, reported in ***2018 (5) GLT 1***. However, it is relevant to mention that prior to the interim order being passed on 06.05.2024, the said re-tender notice had already been acted upon and settlement was made in favour of one Shri Bijoy Biswas for a period of 5 (five) years within annual revenue of Rs. 1,52,500/- on 23.04.2024 itself. Under such circumstances, in the opinion of this Court, the instant writ petition suffers from delay and laches and accordingly, the petitioner would not be entitled to the writ as sought for. Accordingly the instant writ petition stands dismissed.

5. Before parting with the records this Court however observes that the petitioner would be at liberty to challenge the said settlement made in favour of Shri Bijoy Biswas, if so advised.

JUDGE

Comparing Assistant