

GAHC010102462024



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

Case No. : WP(C)/2783/2024

ABDUL QUDDUS BORBHUIYA
S/O- LATE BHEDAUATI, JAMUNAMUKH,
PWD ROAD,
P.O- JUNGLE BLOCK, DIST HOJAI, ASSAM, PIN-782428

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER TO THE GOVERNMENT OF ASSAM,
HOUSING AND URBAN AFFAIRS DEPARTMENT
DISPUR, GUWAHATI- 781006, ASSAM

2:THE DABAKA MUNICIPAL BOARD

REP. BY THE CHAIRPERSON
DABAKA MUNICIPAL BOARD

DABOKA
HOJAI
ASSAM
PIN-782440

3:THE DISTRICT COMMISSIONER
HOJAI
ASSAM

4:THE CIRCLE OFFICER

DABAKA REVENUE CIRCLE
DIST. -HOJAI
ASSAM
PIN-782440

5:THE OFFICER IN CHARGE
DABAKA POLICE STATION
DABAKA
HOJAI
ASSAM

6:JASHED ALI

S/O- ANOWER HUSSAIN
DOBOKA TOWN WARD NO-10

P.O AND P.S- DOBOKA

DIST- HOJAI
ASSAM
PIN-78244

Advocate for the Petitioner : MR G BAISHYA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

07.06.2024

1. Heard Mr. G. Baishya, learned counsel for the petitioner and Mr. K. Gogoi, learned counsel for the respondent nos.1 to 5.

2. The grievance of the petitioner is that on the basis of an NIT, the weekly cattle market in Dabaka, Hojai had been settled with the petitioner from 01.09.2023 to 31.03.2024. Thereafter the said market was settled with the respondent no.6 for 1 (one) month from 01.04.2024 to 30.04.2024, without call of tender.

- 3.** The petitioner's counsel submits that the settlement of the cattle market without call of tender is illegal and the respondent no.6 has been illegally continuing to work as a toll collector till date.
- 4.** Mr. K. Gogoi, learned counsel for the respondent nos.1 to 5 submits that the Chairperson, Dabaka Municipal Board has written a letter dated 06.06.2024 to Mr. G. Bokalia, Junior Government Advocate stating that the tendering process for the weekly market had been halted due to the Model Code of Conduct and that the same will be re-started.
- 5.** Mr. K. Gogoi submits that as per the letter dated 06.06.2024, the Board Meeting is scheduled to be held in the 2nd week of June, 2024 and the tendering process will start as soon as the result of the Board Meeting is issued. Further, the letter dated 06.06.2024 states that the tendering process would be completed within this month.
- 6.** On considering the submissions made by the counsel for the petitioner and the respondent nos.1 to 5, this Court finds that the settlement of the weekly cattle market with the respondent no.6 without call of tender was illegal and unjustified.
- 7.** Though this Court is of the view that the respondent no.6 should not be allowed to continue to work as a toll collector any longer, in view of the decision taken by the Dabaka Municipal Board that the tendering process for the weekly cattle market would be completed within this month, the respondent no.6 shall be allowed to continue to work as a toll collector only till 30.06.2024. In the event, the State respondents do not complete the tender process within this

month, then also there shall no extension of the respondent no.6's engagement as a toll collector beyond 30.06.2024.

8. The writ petition is accordingly disposed of.

9. The letter dated 06.06.2024 issued by the Chairperson, Dabaka Municipal Board is made a part of the record and marked as Annexure-X.

JUDGE

Comparing Assistant