

GAHC010112222024



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

Case No. : WP(C)/2922/2024

SAHJAHAN ALI
S/O ABDUL HASEN
RESIDENT OF AMOLAPAM PO NAPAM, PS TEZPUR, DIST SONITPUR,
ASSAM 784028

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM. PANCHAYAT AND RURAL DEVELOPMENT, PANJABARI,
GUWAHATI 781037

2:THE SONITPUR ZILLA PARISHAD
REPRESENTED BY THE CEO
SONITPUR ZILA PARISHAD
TEZPUR ASSAM 784001

3:THE GABHORU ANCHALIK PANCHAYAT
REPRESENTED BY ITS EXECUTIVE OFFICER
PO DIPOTA DIST SONITPUR ASSAM 78415

Advocate for the Petitioner : MD. M H CHOUDHURY
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

Date : 14.06.2024

Heard Mr. M. K. Choudhury, learned counsel for the petitioner, who submits the respondent Nos. 2 & 3 should provide a list of authorized fees to be collected on the various commodities/animals in the Bihiagaon Weekly Market,

as the absence of the same has led to a lot of public complaints and quarrels. He submits that the issue of making authorized fees approved by the authority is reflected in Rule 47(1) of the Assam Panchayat Rules, 2002, Clause 27 (gha) of the NIT dated 06.05.2023 and in the present NIT dated 01.06.2024. Further, in terms of the Lease Deed made for settling the market executed on 03.07.2023, at Para 'g', the lessee is not to levy any excessive or unwarranted fees, besides fees leviable under the orders of the competent authority

2. Mr. P. Handique, learned counsel for the P&RD submits that no right of the petitioner has been infringed and the prayer made in the writ petition is for conducting a roving enquiry with regard to what should be the authorized fees to be collected on sale of various commodities. He submits that as the petitioner has submitted a representation dated 13.05.2024, this writ petition can be disposed of, with a direction to the Chief Executive Officer, Sonitpur Zilla Parishad to take a decision on the said representation.

3. Mr. M. K. Choudhury, learned counsel for the petitioner also does not have any objection to the proposal made.

4. Accordingly, with the consent of the parties, this writ petition is disposed of, with a direction to the Chief Executive Officer, Sonitpur Zilla Parishad to take a decision on the petitioner's representation dated 13.05.2024 and communicate his decision to the petitioner.

JUDGE

Comparing Assistant