

GAHC010118492024



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

Case No. : WP(C)/3068/2024

TAZUL ISLAM TALUKDER AND ANR
S/O- ABDUS SATTAR TALUKDER, VILL- KATDANGA SATDUBI PART-II, P.O.
PATAKATA, P.S. SOUTH SALMARA, DIST. SOUTH SALMARA MANKACHER,
(ASSAM), PIN- 783127

2: MOKTADIR RAHMAN
S/O- MONTAZ ALI
VILL- KATDANGA SATDUBI PART-I
P.O. PATAKATA
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHER
(ASSAM)
PIN- 78312

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GHY-06

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GHY-06

3:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
PANJABARI
GHY-37

4:THE DISTRICT COMMISSIONER
SOUTH SAKMARA MANKACHAR
ASSAM

5:THE CHIEF EXECUTIVE OFFICER
SOUTH SALMARA MANKACHAR ZILLA PARISHAD ASSAM

6:THE EXECUTIVE OFFICER
SOUTH SALMARA DEVELOPMENT BLOCK
DIST.- SOUTH SALMARA MANKACHAR
ASSAM

7:THE CIRCLE OFFICER
SOUTH SALMARA REVENUE CIRCLE
P.O. AND P.S. SOUTH SALMARA
DIST.- SOUTH SALMARA MANKACHAR

8:THE SECRETARY
PATAKATA GAON PANCHAYAT
R/O- PATAKATA
P.O. PATAKATA
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN- 78312

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

13.06.2024

1. Heard Mr. M.U. Mondal, learned counsel for the petitioners, who submits that the Patakata Weekly Market and Patakata Parghat are going to be settled without call of tender, inasmuch as, the Tender Notice dated 01.06.2024 has not included the Patakata Weekly Market and Patakata Parghat for settlement through tender. The petitioners' counsel has taken this Court to the Notice dated 06.06.2024 issued by the Secretary, Patakata Gaon Panchayat, wherein he has

asked the members of the Panchayat to attend the Gaon Sabha Meeting to be held on 13.06.2024 at 11 a.m., to have a discussion on the Patakata Weekly Market and Patakata Parghat. The petitioners' counsel submits that as the Gaon Sabha Meeting has been called to discuss the Patakata Weekly Market and Patakata Parghat, the same would invariably lead to settlement of the Patakata Weekly Market and Patakata Parghat with some persons, without call of tender, which is illegal.

2. Mr. S. Dutta, learned counsel appearing for the P&RD Department submits that the writ petition is premature, as the Notice dated 06.06.2024 calling for a Gaon Sabha Meeting on 13.06.2024, is only with regard to having a discussion on the Patakata Weekly Market and Patakata Parghat and there is nothing to show that the market and parghat are going to be settled without call of tender.

3. I have heard the learned counsels for the parties.

4. The Notice dated 06.06.2024 is reproduced below, as follows :

“Sir,

It is hereby informed to the public under Patakata Gaon Panchayat that as per the verval order of the Block Development Officer, South Salmara Development Block that on 13.06.2024, Thursday at 11 A.M. the Gaon Sabha Meeting of Patakata Gaon Panchayat would be held in the office premises to discuss the following agenda.

You are requested to attend the said Gaon Sabha Meeting in time.

Agenda:-

1. Regarding discussion of Patakata Weekly Hat and Parghat

2. Others."

5. A perusal of the notice shows that the Agenda for the meeting includes a discussion to be made in respect of the Patakata Weekly Market and Patakata Parghat. There is nothing discernable in the said Notice that the Patakata Weekly Market is going to be settled with other persons, bypassing issuance of a tender notice. Just because the meeting notice is going to discuss the Patakata Weekly Market and Patakata Parghat and that the Tender Notice dated 01.06.2024 has not included the said Weekly Market, does not prove that the said Weekly Market is going to be settled without call of tender.

6. In view of the above, this Court finds that the writ petition is premature. Further as on date, no right of the petitioners has been violated. As such, this Court finds that the petitioners are not aggrieved persons as on date and accordingly do not have the *locus standi* to file the present writ petition.

7. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant