

GAHC010129582024



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

Case No. : WP(C)/3304/2024

ABU SHAHANUR REZA AKOND
S/O FOKURUL ISLAM AKOND,
RESIDENT OF VILLAGE BHIMAPARA, PS SOUTH SALMARA, DIST SOUTH
SALAMARA MANKACHAR, ASSAM 783135

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI 06

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
JURIPAR
PANJABARI
GUWAHATI 37

3:THE DISTRICT COMMISSIONER

SOUTH SALMARA MANKACHAR
HATSINGIMARI
PO HATSINGIMARI
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783135

4:THE CHIEF EXECUTIVE OFFICER

ZILA PARISHAD
SOUTH SALMARA MANKACHAR
HATSINGIMARI

PO HATSINGIMARI
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783135

5:THE BLOCK DEVELOPMENT OFFICER
FEKAMARI DEVELOPMENT BLOCK
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783135

6:THE EXECUTIVE OFFICER
FEKAMARI ANCHALIK PANCHAYAT FEKAMARI POLICE STATION SOUTH
SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783135

7:THE PRESIDENT
FEKAMARI ANCHALIK PANCHAYAT FEKAMARI POLICE STATION SOUTH
SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 78313

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

27.06.2024

Heard Mr. M. Khan, learned counsel for the petitioner, who submits that the NIT dated 31.05.02024 was floated for settlement of the Kharuabanda Weekly Market amongst other markets.

2. The petitioner's counsel submits that in terms of Rule 47 of the Assam Panchayat (Financial) Rules, 2002, a tender notice has to be floated at least 45 date before the last date of the Panchayat financial year, which is from 1st July to 30th June of the next year. In this case, the last date of submitting bids has

been fixed as 21.06.2024, thereby limiting the period of submission of tender to only 21 days instead of 45 days.

3. The petitioner's counsel submits that he should be granted time to submit his tender.

4. Mr. U. Sarma, learned counsel appears on behalf of Mr. S. Dutta, learned counsel for the P&RD, while Mr. M. Chetia, learned counsel appears for the respondent No.3.

5. Mr. U. Sarma, learned counsel for the P&RD submits that he does not have any objection to some time being provided to the petitioner to submit his bid.

6. On considering the submissions made by the parties, this Court is of the view that the petitioner should be granted time till 01.07.2024, to submit his bid with the respondent authorities for the Kharuabanda Weekly Market. Thereafter, the petitioner's tender should also be considered, if the petitioner's bid is found to be valid. Till then no final settlement of the market should be made.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant