

GAHC010132772024



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

Case No. : WP(C)/3400/2024

BIDUR CHANDRA RAY
S/O- CHATISH CHANDRA RAY, R/O- VILL- KOIMARI PART-VII, P.O.
KOIMARI, P.S. GOLAKGANJ, DIST. DHUBRI, ASSAM, PIN- 783335.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
TRANSPORT DEPARTMENT, DISPUR, GHY-06.

2:THE DIRECTOR

INLAND WATER TRANSPORT
ASSAM
ULUBARI
GHY-781007
KAMRUP(M)

3:EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION
ASSAM
ULUBARI
GHY-781007
KAMRUP(M)
ASSAM

4:RAJESH BHAKAT
S/O- LATE TRINATH RAI BHAKAT
R/O- VILL.- KAIMARI PART-VI
P.O. KAIMARI
P.S. GOLAK GANJ

DIST. DHUBRI
ASSAM
PIN- 783335

Advocate for the Petitioner : MR B B NARZARY

Advocate for the Respondent : SC, TRANSPORT DEPARTMENT, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

24.07.2024

Heard P. Mahanta, learned counsel for the petitioner. Also heard Ms. M.D. Bora, learned counsel for the Transport Department and Mr. S. Kotoky, learned counsel for the respondent No.4.

2. The petitioner is aggrieved by the Order No.354 dated 21.06.2024, whereby the Gumaghat Ferry Service is to be operated by the respondent No.4 temporarily for 30 days, w.e.f. 01.07.2024 to 31.07.2024. This Court vide order dated 27.06.2024 had passed an order staying the operation of the Order No.354 dated 21.06.2024 issued by the respondent No.3.

3. Ms. M.D. Bora, learned counsel for the Transport Department submits that regular settlement of the Gumaghat Ferry Service will be made within 1 week, pursuant to the NIT No.67 dated 08.02.2024. She also submits that a speaking order dated 08.07.2024 has been issued by the Circle officer, Agomoni Revenue Circle, Agomoni, wherein it has been stated that the land valuation certificate issued to the petitioner has been cancelled. A copy of the same may be furnished by Ms. M.D. Bora to the counsel for the petitioner during the course of the day.

4. In view of the submission made by Ms. M.D. Bora, learned counsel for the

Transport Department, there is nothing left to adjudicate in this matter, as the temporary operation of the Gumaghat Ferry Service will end as and when the regular settlement of the ferry service is made, pursuant to the NIT dated 08.02.2024. It is needless to add that the petitioner is at liberty to challenge any regular selection made for operating the Gumaghat Ferry Service, pursuant to the NIT dated 08.02.2024 as per law.

5. The writ petition is accordingly disposed of, as there is nothing left to adjudicate in this case. However, the petitioner should be allowed to operate the Gumaghat Ferry Service till regular settlement of the ferry service is made in terms of the NIT dated 08.02.2024, as the petitioner had been operating the ferry service on the basis of a regular settlement order, which term has now expired.

JUDGE

Comparing Assistant