

GAHC010137132024



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

Case No. : WP(C)/3508/2024

TALEBAR RAHMAN
S/O AKABBAR ALI, VILL- KURIHA, P.O.-KAYAKUCHI, P.S.-BARPETA, DIST-
BARPETA, ASSAM, PIN-781352

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE THE GOVT. OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
ASSAM, GUWAHATI-781006

2:THE CHIEF EXECUTIVE OFFICER
BARPETA ZILLA PARISHAD
BARPETA
ASSAM
PIN-781301

3:THE EXECUTIVE OFFICER
PAKABETBARI ANCHALIK PANCHAYAT
KAYAKUCHI (CHAKIRBHITA)
DIST- BARPETA
ASSAM
PIN-781352

4:SAFIQUL ISLAM
S/O- ABDUL BAREK

VILL- KAMALPUR
PO.- KAMALPUR
PS AND DIST.-BARPETA
ASSA

Advocate for the Petitioner : MR. R ALI, MD R ISLAM,MS N DEKARAJA,MR. S RAHMAN,MR. Y S MANNAN,MD S HUSSAIN,MR M Z SHAH

Advocate for the Respondent : GA, ASSAM, MR H A AHMED (R-4),SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

06.12.2024

Heard Mr. S. Rahman, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned counsel for the P&RD Department. Mr. H. A. Ahmed, learned counsel appears for the respondent No.4.

2. The counsels for the parties submit that the writ petition has become infructuous, in view of the order dated 29.11.2024 passed by this Court in a batch of writ petitions, the lead case being WP(C) No.5993/2024. He accordingly submits that this case can be disposed of in line with the judgment and order passed in WP(C) 5993/2024.

3. Para 37 of the judgment and order passed in WP(C) No.5993/2024 states as follows:

“37. Accordingly the instant batch of writ petitions are disposed of with the following observation(s) and direction(s):

(i). The impugned Cabinet decision dated 27.06.2024 as well as the impugned Notification dated 29.06.2024 calls for no interference, in so far as cancellation of the tender process for the period of 2024-25 and the decision to incorporate a viable rate in the tenders.

(ii). The impugned Cabinet decision dated 27.06.2024 as well as the

impugned Notification dated 29.06.2024 in so far as granting of extension to the existing lessee till new tenders are not issued runs counter to Section 105 of the Act of 1994 as well as Rule 47 of the Rules of 2002 and, as such, the impugned Cabinet decision dated 27.06.2024 as well as the impugned Notification dated 29.06.2024 to that extent are interfered with.

(iii). The respondent authorities are directed to run the Haats in question till finalization of fresh tenders under the direct management of the concerned Anchalik Panchayat.

(iv). The respondent authorities are directed to complete the fresh tender process upon finalization of the modalities at the earliest and preferably within three months from the date of the instant judgment."

4. In view of the above extract of the judgment passed in WP(C) No.5993/2024, the writ petition is closed as infructuous.

JUDGE

Comparing Assistant