

GAHC010177922023



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

**Case No. : WP(C)/4624/2023**

ABINASH DAS  
S/O- MANGAL DAS,  
R/O 2 NO. CHAUDANG CHETIA GAON,  
P.S. JORHAT,  
JORHAT- 785008.

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,  
JANATA BHAWAN, DISPUR,  
GUWAHATI- 781006.

2:THE COMMISSIONERATE  
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT  
REPRESENTED BY ITS COMMISSIONER  
JURIPAR PANJABARI  
GUWAHATI- 781037.

3:THE DISTRICT COMMISSIONER  
JORHAT JORHAT- 785001.

4:THE CHIEF EXECUTIVE OFFICER  
ZILLA PARISHAD JORHAT- 785001.

5:THE PRESIDENT  
JORHAT ANCHALIK PANCHAYAT  
BAGHCHUNG JORHAT- 785008.

6:THE EXECUTIVE OFFICER  
JORHAT ANCHALIK  
BAGHCHUNG  
JORHAT- 785008

**Advocate for the Petitioner : MR G ALAM**

**Advocate for the Respondent : SC, P AND R.D.**

**BEFORE  
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**Date : 25.04.2024**

Heard Mr. S. R. A. Naser, learned counsel for the petitioner and Mr. U. Sarma, learned counsel on behalf of Mr. S. Dutta, learned Standing Counsel, P&RD for the respondent Nos. 1, 2, 4 & 6. Ms. U. Das, learned counsel appears for the respondent No. 3. No one appears on behalf of the respondent No. 5.

**2.** Office note dated 29.11.2023 indicates that notice was served by way of dasti service upon the respondent No. 5 and was accepted by the President of Jorhat Anchalik Panchayat. Accordingly, notice is deemed to be served upon the respondent No. 5.

**3.** The case of the petitioner is that a Notice Inviting Tender dated 08.05.2023 was issued by the respondent No. 5, inviting bids for settlement of the Lichubari Daily Market for the year 2023-2024, i.e., for the period from 01.07.2023 to 30.06.2024. The petitioner participated in the tender process and as per his information, he was the highest bidder in respect of the said tender notice. Though the petitioner was the highest bidder, the respondent authority, more particularly, the respondent No. 6 issued a fresh NIT dated 03.08.2023 for settlement of the said daily market for the year 2023-2024. Being aggrieved, the petitioner has filed the present writ petition challenging the issuance of the

subsequent tender notice dated 03.08.2023.

**4.** This Court on 16.08.2023 had issued notices to the parties and held that any settlement made on the basis of the impugned tender notice dated 03.08.2023 shall be subject to the outcome of the writ petition.

**5.** The tender notice dated 03.08.2023 was for settlement of the said market for the year 2023-2024, which was to end on 30.06.2024.

**6.** Learned counsel for the petitioner submits that till date no settlement for the said market has been done with any person, in terms of the tender notice dated 03.08.2023.

**7.** Mr. U. Das, learned counsel for the respondent Nos. 1, 2, 4 & 6 submits that he has not received any instructions to the effect that the said market has been settled with any person, pursuant to the impugned tender notice dated 03.08.2023.

**8.** On considering the submissions made by the learned counsels for the parties and keeping in view the fact that the period of settlement of the market is to be made only till 30.06.2024, this Court is of the view that due to efflux of time, it might be best if a fresh tender notice is issued for settlement of said Lichubari Daily Market for the year 2024-2025, which is for the period from 01.07.2023 to 30.06.2025. Learned counsels for the parties are also agreed that it would be in the interest of all if a fresh tender notice is issued.

**9.** In view of the consent of the parties and keeping in view the fact that only two months period remains for settlement of the said market, in terms of the

impugned tender notice, this Court is of the view that the market should not be settled with any person for the remaining two month period. Accordingly, the Panchayat authority shall look after the affairs of the market for the remaining period of 2023-2024. The respondents are directed to issue a fresh NIT for the year 2023-2025. Consequently, the tender notices dated 08.05.2023 & 03.08.2023 are hereby set aside.

**10.** This writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**