

GAHC010192942024



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

Case No. : WP(C)/4823/2024

HEMANTA BASUMATARY
S/O SRI JATHI RAM BASUMATARY, VILLAGE NARAYANPUR, PO
NARAYANPUR, PS MUSHALPUR, DIST BAKSA, BTC, ASSAM

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY, BTC, PO AND DIST KOKRAJHAR,
ASSAM

2:THE COUNCIL HEAD OF DEPARTMENT

MARKETS AN FAIRS
BTC
KOKRAJHAR

3:THE SECRETARY
MARKET AND FAIR DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

4:THE JOINT SECRETARY
MARKET AND FAIR DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

5:THE BLOCK DEVELOPMENT OFFICER

BAKSA DEVELOPMENT BLOCK
BAKSA

DIST BAKSA
BTC
ASSAM

6:RATAN BORO
S/O JAMBA BORO

RESIDENT OF VILLAGE ALOGJAR
PO BARAMA
PS BARAMA
DIST BAKSA
ASSA

Advocate for the Petitioner : MR R DHAR, MRS. A BASUMATARY,MR B C MUCHAHARY,J
DAS

Advocate for the Respondent : SC, BTC,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

23.10.2024

Heard Mr. R. Dhar, learned counsel for the petitioner and Ms. R.B. Borah, learned counsel for the BTC.

2. The petitioner's case is that the petitioner had participated in the NIT dated 06.06.2024, for settlement of the Athiabari (Bi-weekly) market. Though the petitioner's bid amount had been approved by the Market Settlement Committee, as his bid amount was the highest, the respondents have approved the settlement of the said market with the respondent No. 6, whose bid amount was less than the petitioner's bid amount.

3. The petitioner's counsel submits that as the petitioner's bid was the highest, the biweekly market has to be settled with the petitioner.

4. Ms. R.B. Borah, learned counsel has submitted an office order dated 23.09.2024 issued by the respondent No.5, which is to the effect that the respondent No.6 has been directed not to collect toll fee of the said market and the responsibility of collection of the toll fee would be operated by the Assistant BDO and Sri Dimbeswar Barman, Gram Sevak until further order. Ms. R.B. Borah submits that no final decision has been taken by the State respondents in pursuance to the selection process conducted under the NIT dated 06.06.2024.

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

6. Keeping in view the fact that the bids of the bidders pursuant to the NIT dated 06.06.2024 have been opened, it is incumbent on the part of the State respondents to select the successful bidder to operate the above market.

7. Accordingly, the respondent Nos. 2 & 3 are directed to conclude the selection process pursuant to the NIT dated 06.06.2024 and settle the Athiabari (Bi-weekly) market with the successful tenderer, within a period of 3(three) weeks from the date of receipt of a certified copy of this order.

8. The office order dated 23.09.2024 is made a part of the record and marked as Annexure-X.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant