

GAHC010195542017



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

Case No. : WP(C)/2432/2017

JAGADISH RAJBONGSHI and 3 ORS.
S/O MANMOHAN RAJBONGSHI R/O PRAFULLA NAGAR, PUB
MANGALDOI, P.S. MANGALDOI DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM and 22 ORS.
REP. BY THE ITS SECRETARY TO THE GOVT. OF ASSAM, MUNICIPAL
ADMINISTRATION, DISPUR, GUWAHATI-6.

For the Petitioner(s)	: Mr. B. Gogoi, Advocate
For the Respondent(s)	: Ms. M. Barman, Jr. Government Advocate
	: Mr. T. J. Mahanta, Sr. Advocate
	: Ms. P. Bhattacharyya, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 06.11.2024

Heard Mr. B. Gogoi, the learned counsel appearing on behalf of the
Petitioners and Ms. M. Barman, the learned Jr. Government Advocate

appearing on behalf of the Respondent Nos. 1 and 4. I have also heard Mr. T. J. Mahanta, the learned Senior counsel assisted by Ms. P. Bhattacharyaa, the learned counsel appearing on behalf of the Respondent Nos. 2 and 3.

2. The Petitioners herein are aggrieved by the select list issued by the Respondent No.2 whereby the Petitioners have been excluded from the allotment of the fish stalls in the newly constructed fish market.

3. It is seen that pursuant to the filing of the writ petition and issuance of notice, recently the Respondent No.2 in its meeting held on 21.05.2024 at 3 PM had taken up a resolution for the purpose of cancelling the allotment of seats to the fish vendors made in the year 2017 for the newly constructed fish market situated in Dhan Bazar and had decided to make allotment of seats afresh. This aspect of the matter has been brought to the notice of this Court by filing an affidavit by the Chairman of the Respondent No.2.

4. Taking into account the said stand so taken to the effect that the Respondent Nos. 2 and 3 have already resolved to cancel the earlier allotment and to go for a fresh settlement by following the due process, the learned counsel for the Petitioners submits that the Petitioners do not have any further issue in the instant proceedings.

5. Accordingly, the instant writ petition stands disposed of on the basis of the statements so made by the Respondent Nos. 2 and 3 through the affidavit filed by the Respondent No.3 before this Court. It is however observed that the disposal of the writ petition on the basis of the statements made in the affidavit by the Respondent Nos. 2 and 3 shall

not preclude the persons who would be affected by such decision to challenge the same.

JUDGE

Comparing Assistant