

GAHC010203662023



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

Case No. : WP(C)/5317/2023

SAMSUDDIN SK
S/O- LATE AFAJUDDIN SK @ AFAJUDDIN JODDAR,
R/O- VILLAGE- FAKIRANIRJHAR PART-II,
P.O.- BORKANDA,
PIN- 783348,
DISTRICT- DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY,
TO THE GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER
NOW DESIGNATED AS DISTRICT COMMISSIONER
DISTRICT DHUBRI
ASSAM.

3:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD
DHUBRI
P.O.- DHUBRI
DISTRICT- DHUBRI
ASSAM.

4:THE EXECUTIVE OFFICER CUM BLOCK DEVELOPMENT OFFICER
MAHAMAYA DEVELOPMENT BLOCK
P.O.- BARKANDA (MAHAMAYA)
DISTRICT- DHUBRI
ASSAM
PIN- 783348.

5:THE PRESIDENT
MAHAMAYA ANCHALIK PANCHAYAT
P.O.- BARKANDA (MAHAMAYA)
DISTRICT- DHUBRI
ASSAM
PIN- 783348

Advocate for the Petitioner : MR. A K HUSSAIN

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 22.03.2024

Mr. A. K. Purkayastha, learned counsel for the petitioner submits that the respondents have not settled the Nayarhat Go Hat Cattle Market for the last two years, thereby not giving any opportunity to the petitioner to participate in the tender/selection process that could have been initiated by the State respondents, for settling the market with the successful tenderer.

2. Counsel for the petitioner submits that the petitioner had submitted a representation dated 21.07.2023 to the Block Development Officer/Executive Officer, Mahamaya Development Block, requesting him to invite a tender notice for settlement of the said Nayarhat Go Hat for the year 2023-2024. He submits that the Panchayat year 2023-2024 would be for the period from 01.07.2023 to 30.06.2024. He submits that as no decision has been taken by the said BDO (respondent No. 4) on the petitioner's representation, a direction should be issued to the respondent No. 4 to take a decision on the petitioner's representation.

3. Mr. S. Dutta, learned counsel for the P&RD and Ms. U. Das, learned counsel for the respondent No. 2 submit that the petitioner has got no *locus-*

standi to file the present case. They further submit that the settlement period, for which a tender notice is being asked for by the petitioner, is going to end in three months. As such, the writ petition has become infructuous.

4. At this stage, Mr. A. K. Purkayastha, learned counsel for the petitioner submits that he would like to withdraw this writ petition, with liberty to file a fresh representation before the Competent Authority.

5. The prayer of the petitioner is allowed.

6. Accordingly, this writ petition stands dismissed as withdrawn, with liberty as prayed for.

JUDGE

Comparing Assistant