

GAHC010208732023



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

Case No. : WP(C)/5474/2023

NRIPEN BORAH
S/O- LATE MIHIRAM BORAH,
VILL- MAJPOTANI,
P.O- POTANI GUMUTHA GAON,
P.S- NAGAON SADAR, DIST- NAGAON, ASSAM, PIN-782001

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF PANCHAYAT AND RURAL
DEVELOPMENT, ASSAM, DISPUR, GUWAHATI- 06.

2:THE NAGAON ZILA PARISHAD
REP. BY THE CHIEF EXECUTIVE OFFICER
NAGAON. ZILA PARISHAD
P.O AND P.S - NAGAON
DIST- NAGAON
ASSAM
PIN-782001

3:THE CHIEF EXECUTIVE OFFICER

NAGAON. ZILA PARISHAD
P.O AND P.S - NAGAON
DIST- NAGAON
ASSAM
PIN-782001

4:THE BARHAMPUR ANCHALIK PANCHAYAT
REP. BY THE EXECUTIVE OFFICER

P.O- BARHAMPUR

P.S- NAGAON
DIST- NAGAON
ASSAM
PIN-782102

5:THE EXECUTIVE OFFICER

BARHAMPUR ANCHALIK PANCHAYAT

P.O- BARHAMPUR

P.S- NAGAON
DIST- NAGAON
ASSAM
PIN-782102

6:PRASANTA BORA

S/O- BISHNU RAM BORA
VILL- NO-1 GHOGAR GAON
P.O- BARHAMPUR
P.S- NAGAON
DIST- NAGAON
ASSAM
PIN-78210

Advocate for the Petitioner : MR. M K HUSSAIN

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.01.2024

Heard Shri MK Hussain, learned counsel for the petitioner. Also heard Ms. N Bora, learned Standing Counsel, Panchayat and Rural Development (P&RD)

Department, Assam.

2. Though the service upon the respondent no. 6 is complete, the said respondent has chosen not to contest the case.
2. The matter pertains to a settlement process initiated vide an NIT dated 06.05.2023 for the settlement of Barhampur Weekly Market under Barhampur Anchalik Panchayat in the district of Nagaon for the year 2023-24.
3. It is the case of the petitioner that though the offer of the private respondent no. 6 was more than that of the petitioner, there were defects in his documents and therefore, the same should not have been considered in the financial evaluation.
4. Shri Hussain, learned counsel has specifically submitted that the documents pertaining to the land submitted by the respondent no. 6 would show that the land value is less than the bid value and therefore, the same could not have been treated to be a valid document.
5. *Per contra*, Ms. Bora, learned Standing Counsel has submitted that while the offer of the respondent no. 6 was Rs. 7,80,000/-, that of the petitioner is Rs. 7,51,251/- and therefore, there is a substantial difference in the bid offered by the respondent no. 6.
6. With regard to the specific contention on the land valuation, it is submitted that in view of the situation where the land valuation appears to be less, the respondent no. 6 had deposited 30% of the bid value before the lease

agreement was entered into.

7. The learned Standing Counsel, P&RD Department has also raised objection on the competence and *locus* of the petitioner to maintain the present challenge by contending that the bid of the petitioner was itself irregular and invalid as he had submitted outdated land valuation certificate of the year 2015 instead of current year which is a requirement of Clause 14 of the concerned NIT.

8. The rival submissions have been duly considered and the materials on record, including the written instructions dated 18.01.2024 placed before this Court have been carefully perused. It is a settled position of law that in matters of distribution of State largesse, along with fairness and transparency, the authorities are also required to be given a fair play in the joints. Unless the decision making process suffers from gross irregularity or irrationality, a writ court would be loath to interfere with such decision making process.

9. In the instant case, this Court has also noticed that the price offered by the respondent no. 6 is much higher than that of the petitioner and in contractual matters which are primarily meant for fetching revenue, the price would play a paramount role. The *locus* of the petitioner has also been questioned by the Department as he had submitted an outdated valuation certificate of the year 2015 which is not in terms of Clause 14 of the aforesaid NIT.

10. In view of the aforesaid discussions, this Court is of the opinion that the present is not a fit case for interference and accordingly, the writ petition is

dismissed.

11. A copy of the aforesaid written instructions dated 18.01.2024 is made a part of the records.

JUDGE

Comparing Assistant