

GAHC010216722021



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

Case No. : WP(C)/6959/2021

MOFIDUL ISLAM
S/O SHAMSUL HOQUE
VILL. MOURI GAON, PO MANDIA,
PS BAGHBOR, DIST BARPETA, ASSAM 781308

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF
PANCHAYAT AND RURAL DEVELOPMENT ,
DISPUR GUWAHATI 06

2:THE DEPUTY COMMISSIONER
BARPETA
ASSAM 781301

3:THE CHIEF EXECUTIVE OFFICER
BARPETA ZILLA PARISHAD
BARPETA
ASSAM 781301

4:THE EXECUTIVE OFFICER
MANDIA ANCHALIK PANCHAYAT
MANDIA
PO MANDIA
DIST BARPETA
ASSAM 78130

Advocate for the Petitioner : MR. A ROSHID, MS. T BEGUM,MS. M R DEVI

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 08.11.2024

Heard Mr. A. Roshid, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned counsel for the P&RD Department and Mr. S. R. Baruah learned counsel for the State respondents.

2. The petitioner's case is that the Mandia Anchalik Panchayat, Mandia, District-Barpeta on 10.05.2021 issued NIT, for settlement of Hats/Ghats/ Par Ghats etc., including the Cattle Market of Mandia Hat under Mandia Gaon Panchayat for the period from 01.07.2021 to 30.06.2022.

3. Pursuant to the same, the petitioner submitted his bid and the Chief Executive Officer, Barpeta Zilla Parishad, by order dated 15.07.2021, settled the said Mandia Cattle Market with the petitioner, for an amount of Rs.36,35,999/-. It is stated by the petitioner that after the settlement of said Market with the petitioner, the time period of the Market was reduced to 6 (six) hours with effect from 01.09.2021, as per the Government policy on the COVID-19 pandemic and further, a part of the land of the said Cattle Market, measuring about 2 Kathas, had been handed over to another person and as such there was no such cattle market at Mandia Hat.

4. Since the petitioner suffered huge financial loss, he approached the respondents for remission up to 50% of his settled value of Rs.36.35,999/-, towards settlement of the said Mandia Cattle Market for the period up to 30.06.2022.

5. Pursuant to the order of the Court dated 20.12.2021, the petitioner has filed an additional affidavit in the matter on 03.01.2022, enclosing the money receipt of Rs.18,18,000/- dated 02.08.2021, which he had deposited at the time of settlement of the said Market and also the agreement signed by the petitioner with the Chief Executive Officer, Barpeta Zilla Parishad on 26.08.2021, by which the petitioner agreed to pay the relevant Kist (revenue) with the said Barpeta Zilla Parishad for the said Cattle Market.

6. The petitioner's counsel submits that as the petitioner had suffered a huge loss while running the market, the petitioner submitted a representation dated 26.10.2021 to the respondent No. 1, for grant of full remission of the revenue payable by the petitioner. However, the respondents have not taken a decision on the petitioner's representation till date. He submits that the writ petition can be disposed of, if a direction is issued to the respondent No. 1, to take a decision on the petitioner's representation dated 26.10.2021.

7. Mr. S. Dutta, learned counsel for the P&RD Department submits that instead of the respondent No. 1 taking a decision on his earlier representation, the petitioner should submit a fresh representation to the respondent No. 1, for consideration as to whether the remission should be allowed, as per Rule 49 of the Assam Panchayat Rules, 2002.

8. On considering the submissions made by the learned counsels for the parties, the petitioner is given the liberty to submit a fresh representation to the respondent No. 1, with regard to his grievance and his prayer for grant of remission. In the event, the petitioner submits a representation, the same should be considered and disposed of by the respondent No. 1, within a period

of 2(two) months from the date of receipt of the petitioner's representation along with a copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant