

GAHC010223182017



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

Case No. : WP(C)/6450/2017

MD. SOLEMAN ALI and 5 ORS.
S/O LATE NUR HUSSAIN, VILL- KAHANDIKAR, PO- DHEPARGAON, DIST.
BAKSA, ASSAM

2: SRI UTPAL SARMA
S/O NARA NATH SARMA
R/O RANGIA
MURARA
ASSAM

3: MAHSIN ALI
S/O LATE NUR HUSSAIN
VILLAGE- KHANDIKAR
RANGIA
ASSAM

4: AINUL HAQUE CHOUDHURY
S/O AFJAL HUSSAIN
VILL- PUB-SAHAN
RANGAI
ASSAM

5: SAIDUL ISLAM

S/O LAT HARUNAR RASHID
VILL- RANGIA
WARD NO. 2
PO and PS- RANGIA
ASSAM

6: CHANDAN KUMAR PATHAK
S/O LATE PRANESWAR DAS
VILL- MURARA
RANGIA

ASSA

VERSUS

THE ASSAM STATE TRANSPORT CORPN. and 2 ORS.
REP. BY ITS MANAGING DIRECTOR, TOURISM BHAWAN, PALTAN BAZAR,
GUWAHATI

2:THE MANANGING DIRECTOR
ASSAM STATE TRANSPORT CORPORATION
TOURISM BHAWAN
PALTAN BAZAR
GUWAHATI

3:CHIEF ENGINEER C
ASSAM STATE TRANSPORT CORPORATION
TOURISM BHAWAN
PALTAN BAZAR
GUWAHAT

Advocate for the Petitioner : MRG DEKA

Advocate for the Respondent :

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

21.02.2024

Heard Mr. PKR Choudhury, learned counsel for the petitioners.

2. The present writ petition is filed assailing a NIT dated 15.07.2017. It is the case of the petitioner that pursuant to similar process of tender initiated in the year 2006, the petitioners applied for allotment stalls/ shops (second phase) at ASTC Station Campus in Rangia. According to the petitioners, the MD, ASTC under separate communications in 2006 allotted space No. 29,27,30,46,31 and 28 to the petitioners and directed them to deposit non-refundable registration fees. According to the petitioners, the ASTC promised that construction should be completed with the money advanced by the petitioners, but since 2006 till 2017

no construction was made and instead of constructing and allotting the shop, the impugned tender process was initiated.

3. This court while issuing notice did not pass any interim order stalling the tender process and Mr. Choudhury, learned counsel for the petitioner submits that pursuant to the tender notice dated 15.07.2017 impugned in the present writ petition some other persons were allotted the aforesaid shops.
4. The allottees are being not made parties to the present writ petition, though this writ petition is pending since the year 2017.
5. In that view of the matter, in the considered opinion of this court so far relating challenge made to the tender notice no cause of action survives to be determined inasmuch as tender process ended the allotment of the shops. Accordingly, this writ petition stands closed being infructuous. However, this order shall not be a bar for the petitioner to agitate their grievances so far relating to payment of advance money and non allotment of shop.
6. With the aforesaid observation, the writ petition stands closed being infructuous.

JUDGE

Comparing Assistant