

GAHC010230922015



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

Case No. : WP(C)/6535/2015

RAKIBUDDIN BORBHUYAN and 2 ORS.
S/O. MD. B. BORBHUYAN,.

VERSUS

THE ASSAM STATE TRANSPORT CORPORATION and 4 ORS
REP. BY ITS MANAGING DIRECTOR, PALTAN BAZAR, GHY.

2:THE DIVISIONAL SUPERINTENDENT
ASSAM STATE TRANSPORT CORPORATION
PALTAN BAZAR, GUWAHATI.

3:THE STATION SUPERINTENDENT
ASSAM STATE TRANSPORT CORPORATION
GUWAHATI DIVISION.

4:THE DIVISIONAL MANAGER
ASSAM STATE TRANSPORT CORPORATION
GUWAHATI DIVISION.

5:THE SR. DY. GENERAL MANAGER DP
ASSAM STATE TRANSPORT CORPORATION H.Q. GUWAHATI.

6:UJJAL BHATTACHARYYA
S/O- SRI ATAL BHATTACHARYYA
R/O- NIJORAPAR
CHANDMARI COLONY
GUWAHATI
P.O.- CHANDMARI
DIST.- KAMRUP M
ASSAM, PIN- 781003.

7:ANWAR HUSSAIN
S/O- AMEER HUSSAIN

R/O- SARUMOTORIA
GUWAHATI
P.O.- DISPUR
DIST.- KAMRUP M
ASSAM, PIN- 781006

Advocate for the Petitioner : MS.A BORA

Advocate for the Respondent : MRSN BEGUMR- 6and7

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

02.04.2024.

Heard Ms. S.B. Choudhury, learned counsel for the petitioners. Also heard Ms. G. Duggar, learned counsel appearing for the respondent Nos.1—5 (ASTC).

By filing the Writ Petition, the petitioners are challenging the order dated 11.03.2015, issued by the Divisional Superintendent, ASTC, Paltanbazar whereby the allotment order issued on the same day i.e. on 11.03.2015, in favour of the petitioner was cancelled.

The brief facts of the case is that the respondent authority issued allotment order on 11.03.2015 and on the very same day, cancelled the said allotment, without communicating the same to the petitioners. It is the further case of the petitioners that the respondent accepted an amount of Rs.20,000/- (Rupees twenty thousands) only as security deposit in advance for a period of one year on 13.03.2015 and allowed the petitioners to construct and run the ticket booking counter for small commercial vehicles till the dismantling on 30.09.2015, without giving any prior notice and/or furnishing the cancellation order.

Ms. S.B. Choudhury, learned counsel for the petitioners submits that the allotment of the ticket counter was cancelled on the same day i.e. the date of

allotment without affording any opportunity to the petitioners and therefore, the said cancellation order is totally illegal and arbitrary.

Ms. G. Duggar, learned counsel for the ASTC on the other hand submits that the petitioners were allotted with the ticket counter temporarily, without inviting any tender and therefore the same was cancelled.

I have heard the submissions made at the Bar and perused the materials available on record.

It appears that the grievance of the petitioners is that the cancellation order was not preceded by any notice or hearing what so ever. That being so, this Court is of the considered view that the Writ Petition can be disposed of with a direction to the respondent authorities to give an opportunity to the petitioners and after hearing the petitioners, issue necessary orders in the matter in accordance with law.

Resultantly, the impugned cancellation order is set aside.

A certified copy of this order be furnished to the learned counsel for the respondent authorities to do the needful.

It is needless to clarify that upon receiving the copy of the certified copy of the order, the respondent authorities shall complete the exercise within a period of two months from thereof.

With the above observation and direction, the Writ Petition stands disposed of.

JUDGE

Comparing Assistant