

GAHC010241792024



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

Case No. : WP(C)/6022/2024

ABDUL SAMAD AND ANR
S/O- LATE NASHER ALI, R/O- VILL.- BECHIMARI JANGAL, P.O.
BECHIMARI, DIST. DARRANG, ASSAM

2: SUJEL ALI
S/O- ADUL MAZID
R/O- VILLAGE NO. 3 BARUAJHAR
P.O. BECHIMARI DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE DISTRICT COMMISSIONER (DC)
DARRANG MANGALDAI
DIST. DARRANG
ASSAM PIN- 784125.

3:THE DARRANG ZILLA PARISHAD
MANGALDAI
REPRESENTED BY ITS CHAIRMAN I.E. D.C. DARRANG
DIST.- DARRANG
ASSAM PIN- 784125.

4:THE CHIEF EXECUTIVE OFFICER (CEO)
OF DARRANG ZILLA PARISHAD
MANGALDAI
DIST. DARRANG
ASSAM
PIN- 784125.

5:THE BECHIMARI ANCHALIK PANCHAYAT
REPRESENTED BY ITS CHAIRMAN I.E. CIRCLE OFFICER
DALGAON REVENUE CIRCLE
P.O. BECHIMARI
DIST. DARRANG
ASSAM

6:THE EXECUTIVE OFFICER (EO)
OF BECHIMARI ANCHALIK PANCHAYAT
P.O. BECHIMARI
DIST. DARRANG
ASSAM
PIN- 784514

Advocate for the Petitioner : MR. B RAHMAN,

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

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 04.12.2024

Heard Mr. B. Rahman, learned counsel for the petitioners and Mr. S. Dutta, learned Standing Counsel, P&RD Department. Ms. U. Das, learned counsel appears for the respondent No. 2.

2. The petitioners had collected documents for submission of tenders, pursuant to the NIT dated 30.05.2024, for settlement of Bechimari Daily Vegetable Market, Bechimari Weekly Cattle Market, Bechimari Weekly Open Market and Bechimari Bus Parking under the Bechimari Anchalik Panchayat of Darrang Zilla Parishad in Darrang District. However, before the last date of submission of the tender, which was 15.07.2024, the tender process was cancelled, vide notification dated 29.06.2024 by the Principal Secretary to the

Government of Assam, P&RD Department.

3. By the said impugned notification dated 29.06.2024, it was also decided that until a new tender was finalized, the existing lessees may be given extension of the markets, ghats and fisheries etc., at the settlement value fixed for the year 2023-2024.

4. The petitioners' counsel submits that a challenge had been made to the impugned notification dated 29.06.2024 in a number of cases, the leading case being WP(C) 5993/2024.

5. This Court, vide common judgment dated 29.11.2024, disposed of the batch of the writ petitions, the leading case being WP(C) 5993/2024, by giving the following observations and directions:-

*“**37.** Accordingly the instant batch of writ petitions are disposed of with the following observation(s) and direction(s):*

(i). The impugned Cabinet decision dated 27.06.2024 as well as the impugned Notification dated 29.06.2024 calls for no interference, in so far as cancellation of the tender process for the period of 2024-25 and the decision to incorporate a viable rate in the tenders.

(ii). The impugned Cabinet decision dated 27.06.2024 as well as the impugned Notification dated 29.06.2024 in so far as granting of extension to the existing lessee till new tenders are not issued runs counter to Section 105 of the Act of 1994 as well as Rule 47 of the Rules of 2002 and, as such, the impugned Cabinet decision dated 27.06.2024 as well as the impugned Notification dated 29.06.2024 to that extent are interfered with.

(iii). The respondent authorities are directed to run the Haats in question

till finalization of fresh tenders under the direct management of the concerned Anchalik Panchayat.

(iv). The respondent authorities are directed to complete the fresh tender process upon finalization of the modalities at the earliest and preferably within three months from the date of the instant judgment."

6. The petitioners' counsel submits that the present writ petition can be disposed of in line with the observations and directions passed in para 37 of the judgment passed in WP(C) 5993/2024.

7. Mr. S. Dutta, learned Standing Counsel, P&RD Department and Ms. U. Das, learned counsel for the respondent No. 2 submit that they have no quarrel with the submission made by the petitioners' counsel.

8. In view of the consent of the parties, this writ petition is accordingly disposed of in line with para 37 of the judgment passed in WP(C) 5993/2024.

JUDGE

Comparing Assistant