

GAHC010242242023



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

Case No. : WP(C)/6269/2023

AJIBOR RAHMAN
S/O- LATE SAMBARU SHEIKH, VILL. NO. 2 HALDIBARI, P.O. GAUR NAGAR,
P.S. LAKHIPUR, DIST. GOALPARA, PIN- 783132.

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF
PANCHAYAT AND RURAL DEVELOPMENT, DISPUR, GHY-781006.

2:THE DEPUTY COMMISSIONER
GOALPARA
PIN- 783101.

3:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD
GOALPARA
PIN- 783101.

4:THE ZILLA PARISHAD
GOALPARA
REP. BY THE C.E.O.
ZILLA PARISHAD
GOALPARA-783101.

5:THE EXECUTIVE OFFICER CUM BLOCK DEVELOPMENT OFFICER
JALESWAR
P.O. JALESWAR
DIST. GOALPARA
PIN- 783129
REPRESENTED BY THE SECRETARY
GOVT. OF INDIA
DEPTT. OF NHAI

DELHI-11.

6:THE ANCHALIK PANCHAYAT
JALESWAR
P.O. JALESWAR
DIST. GOALPARA
REP. BY THE PRESIDENT
JALESWAR A/P/ JALESWAR
PIN- 783132.

7:MOJIRUDDIN AHMED
PRESIDENT
CHATAIMARI PASHU HAT COMMITTEE
P.O. SIMLABARI
P.S. LAKHIPUR
DIST. GOALPARA
PIN- 783330.

8:MONSUR RAHMAN
SECRETARY
CHATAIMARI PASHU HAT COMMITTEE
P.O. SIMLABARI
P.S. LAKHIPUR
DIST. GOALPARA
PIN- 783330.

9:AMZAD MONDAL
S/O- ABDUL MANNAN
VILL.- GUMAIJHAR
PO. SIMLABARI
DIST. GOALPARA
PIN- 783330

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 22-02-2024

Heard Mr. A Roshid learned counsel for the petitioner and
Mr. S Dutta learned standing counsel, PNRD and Mr. G Bokolial learned

counsel for the respondent No.2.

Mr. Roshid learned counsel for the petitioner has submitted that a cattle market namely Chataimari Cattle (Pashu) market was earlier run under the Jaleswar Anchalik Panchayat.

The grievance of the petitioner is limited to the extent that the respondent authorities have not undertaken any regular tender process for settlement of the said market. It is further the grievance of the petitioner that the respondent Nos.7 and 8 are creating some problem as per running of the market, however, his basic grievance is that the market should be settled through tender process in terms of the Section 105 of the Panchayat Act, 1994 and the Assam Panchayat Financial Rules, 47.

Mr. Dutta learned standing counsel PNRD submits that the authorities under the Panchayat Act are under bounden duty to settle the market/hat etc in terms of the Panchayat Act and the rules framed there under and such Rules and Act prescribes settlement of market/hats etc through tender process and therefore, the authorities under the Panchayat Act shall definitely settle the market through tender process.

In view of such consensus, there shall not be any grievance left for the petitioner. It is also a fact that though no tender was issued, the market has been temporarily settled with the petitioner from time to time and such period is still valid till 25.02.2024.

In view of the aforesaid, this writ petition stands disposed of with a direction to the competent authorities to settle the Cattle market in question in terms of the Panchayat Act and the rules framed

there under.

Such exercise be carried out within a period of 3 (three) weeks from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant