

GAHC010270472024



2024:GAU-AS:12799

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

Case No. : WP(C)/6787/2024

RADHE CHANDRA DAS
S/O GENDU RAM DAS, R/O VILL- PALAHORTOL, REVENUE VILLAGE
BARADI, P.O.-BARADI, P.S.-BARPETA, DIST-BARPETA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER SECRETARY GOVT. OF ASSAM,
FISHERIES DEPARTMENT, DISPUR, GUWAHATI-06

2:DISTRICT FISHERY DEVELOPMENT OFFICER
DIST-BARPETA

3:THE CIRCLE OFFICER
DIST-BARPETA

4:THE REGISTRAR OF FISHERIES
DISPUR
GUWAHATI

5:GOPAL CHANDRA DAS
S/O MADHU SARKAR
R/O JONIA CHELIKURA
DIST-BARPETA

Advocate for the Petitioner : MS. P CHAKRABORTY, MS. K KHAN,MS. A DAS

Advocate for the Respondent : SC, FISHERY, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 17-12-2024

Heard Ms. P Chakraborty, learned counsel for the petitioner, who submits that the petitioner is a bidder for settlement of the 79 No. Chatla Fishery under Kolgachia Revenue Circle pursuant to Tender Notice dated 07.10.2024. The bids were opened on 29.10.2024 and it was found that three persons had participated in the tender process. While the petitioner was H2, the respondent No. 6 was H1. The petitioner's counsel submits that the respondent No. 6 is a defaulter in respect of another Fishery, namely Nos. 20/42/54/69 Balaisuti Group Fishery for an amount of Rs.4,07,900/-.

2. The petitioner's counsel submits that in respect of the present Tender Notice dated 07.10.2024, the respondent No. 6 had submitted a false Bakijai clearance certificate. The petitioner apprehends that the Fishery would be settled with the respondent No. 6, despite the respondent No. 6 being a defaulter.

3. Mr. P Sharma, learned counsel for the Fishery Department and Mr. M Chetia, learned counsel for the respondent Nos. 3 & 4 submit that the petitioner's case is based only on apprehension and speculation. They submit that the present case is a pre-mature case.

4. I have heard the learned counsels for the parties.

5. As correctly stated by the counsels for the respondents, the present writ petition is a pre-mature case, as the petitioner apprehends that the respondent

No. 6 would be settled with the Fishery despite being a defaulter. Though this Court is of the view that the petitioner has got no *locus standi*, at this juncture, to file the present writ petition, this Court is of the view that the submission made by the petitioner's counsel should be considered by the Tender Evaluation Committee, keeping in view the letter No. BRF-1/2016/352 dated 30.08.2024 issued by the Additional District Commissioner (Fishery), Barpeta, which states that the respondent No. 6 is a defaulter.

6. Consequently, this writ petition is disposed with a direction to the respondent No. 3, to consider as to whether the respondent No. 6 is a defaulter, as has been alleged by the petitioner in this case prior to finalizing the tender. The same is subject to the condition that the tender is not finalized prior to receiving a copy of this order and a copy of the writ petition, which is to be furnished to the respondent No. 3 by the petitioner. The decision to be taken by the respondent No. 3 should be made, after giving an opportunity of hearing to the respondent No. 6.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant