GAHC010124182020

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

Case No. : WP(C)/3594/2020

1. JALJALI RIVER BRIDGE COMMITTEE AND 2 ORS.
A SOCIETY REGISTERED UNDER THE REGISTRATION OF SOCIETIES ACT, 1860, HAVING ITS REGISTERED OFFICE AT PAHARPARA, NAGARBARA, P.O. NAGARBARA, DIST. KAMRUP, ASSAM, PIN-781127

2: DWIPEN MEDHI
S/O LT. JOGENDRA MEDHI
R/O VILL. PAHARPARA DOKUENI P.O. NAGARBARA DIST. KAMRUP
ASSAM PIN-781127(PRESIDET OF JALJALI RIVER BRIDGE COMMITTEE)

3: FIROJUL HAQUE
S/O MAZIBAR RAHMAN
R/O BHAKHURADIA P.O. TUPAMANI NAGARBARA DIST. KAMRUP ASSAM
PIN-781127(SECRETARY OF JALJALI RIVER BRIDGE COMMITTEE

VERSUS

1. THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, TRANSPORT DEPTT. DISPUR, GUWAHATI-6

2:THE DIRECTOR
INLAND WATER TRANSPORT DEPTT. ULUBARI GUWHATI-7

3:THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION ULUBARI GUWAHATI-7

4:THE DEPUTY COMMISSIONER
KAMRUP AMINGAON KAMRUP ASSAM PIN-781031

5:THE CIRCLE OFFICER
NAGARBARA REVENUE CIRCLE NAGARBARA PIN-78112

Advocate for the Petitioner : MR J PAYENG

Advocate for the Respondent : SC. TRANPORT DEPTT.

- B E F O R E -
HON'BLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 07-12-2020

Heard Mr. J. Payeng, learned counsel for the writ petitioners. Also heard Ms. M.D. Borah, learned standing counsel, IWT Department, Assam, appearing for the official respondents.

The writ petitioners have approached this Court assailing the tender notice dated 17.08.2020 floated by the authorities for settlement of Daukuchi-Bhakradia-Rangeswari-Pijupara Ferry Service, *inter alia*, on the ground that once the Ferry Service is made operational, the authorities would not allow the commuters to use the wooden bridge constructed by the local villagers, including the petitioners, by investing huge sum of money.

The respondent Nos.2 & 3 have filed their affidavit in this case by projecting that the petitioners would not only be allowed to use the wooden bridge but even collection of toll by them in respect thereof, would be permissible until fresh settlement is made.

Ms. Borah, learned departmental counsel, however, submits that although the petitioners had been allowed to collect toll for the wooden bridge, the same has not yet been deposited with the authorities.

Responding to the above, Mr. Payeng submits that if the authorities allow the commuters to use the wooden bridge, then toll collected in respect thereof would certainly be deposited with the concerned authorities.

If that be so, it is agreed at the bar that nothing further survives for adjudication in this writ petition. As such, with the consent of learned counsel for both the parties, this writ petition stands disposed of at the stage of motion hearing by providing that the petitioners would deposit the toll collected by them with the concerned authorities for operating the wooden bridge.

Writ petition stands closed.

J U D G E

Comparing Assistant