

WP(C) 3813/2007

BEFORE

HON'BLR MR. JUSTICE B.K. SHARMA.

Heard Mr. H. Sarma, learned counsel for the petitioners as well as Mr. C . Baruah, learned Sr. counsel assisted by Ms M. Saikia, learned counsel for the Respondent No.4. I have also heard Ms R. Chakraborty, learned Addl. Sr. Govt. Advocate, Assam.

The petitioner is aggrieved by the Annexure-'G' order dated 12.6.2007 passed by the Chief Executive Officer, Golaghat Zila Parishad authorizing the Respondent No.4 to run the market in question (Naojan Weekly Bazar). The arrangement was made after the order of this Court dated 30.5.2007 was passed in W.P. (C) No.2269/2007. The writ petition was filed by the Respondent No.4 for proper demarcation of the market in question facilitating finalization of the tender process, which was initiated earlier.

It is the grievance of the petitioner that although he is the highest bidder in the tender process in question but the tender papers were returned pursuant to the aforesaid order dated 30.5.2007 passed in W.P. (C) No.2269/2007.

It appears that the Annexure-'G' order was superseded by the subsequent arrangement made by the respondents to run the market firstly, through the Block Development Officer and then, through one Shri Sariful Ahmed. Thus, the impugned order dated 12.6.2007 is no longer in existence.

This Court noticing that the Chief Executive Officer of the Zila Parishad passed the Annexure-'F' notice dated 12.6.2007, upon a reference to three writ petitions, staying the tender process of four markets including Naojan Weekly Market, directed his personal appearance to explain the circumstances. It is submitted that he appeared before this Court on the next date fixed i.e. on 18.2.2008. However, the case was not listed on that day. In the meantime, the said Chief Executive Officer has filed an affidavit to explain the circumstances.

In the affidavit, it has been stated that although initially the market was entrusted to the Respondent No.4, but subsequently pursuant to the order dated 1.8.2007 passed by this Court in the present writ proceeding directing the Respondents No.2 and 3 to run the market by engaging their own officials, the market was run departmentally. It has been stated in the affidavit that due to some difficulties, the market was entrusted to the Block Development Officer, Golaghat and thereafter, because of the just concluded Panchayat election, same was allowed to be run by said Sri Sariful Ahmed. After Panchayat election, the market is being maintained and run by the Zila Parishad itself.

In view of the above, this writ petition is disposed with a direction to the respondents to initiate the fresh tender process towards settlement of the market. While doing so, they will also demarcate the boundary of the market for the interest of revenue. The entire exercise shall be carried out as expeditiously as possible, but in any rate, not later than 30th April, 2008. Till then, the market shall be run by the departmental authorities without engaging any of the interested parties.

Writ petition is disposed of. A copy of this order be furnished to Ms R . Chakraborty, learned State counsel for her appraisal to the authority of the Zila Parishad.