

WP(C) 5428/2009

BEFORE

HON'BLE MR JUSTICE I A ANSARI

Heard Mr A M Buzarbaruah, learned counsel for the petitioners, and Ms V L Sinha, learned Government Advocate, appearing on behalf of the respondent Nos. 1, 2, 3, 5 and 6. Heard also Mr B Nath, learned counsel for the respondent No.7.

Upon hearing the learned counsel for the parties, who have appeared before me, and upon perusal of the materials on record, what transpires is that a Notice Inviting Tender (in short, 'the NIT'), for settlement of Katakhal River Sand Mohal No. 1, was published on 21.07.2009 and then, once again, on 27.3.2009, fixing 01.08.2009 as the last date for submission of tenders.

The petitioner has challenged the settlement of the Mohal, on two grounds, namely, (i) violation of Rule 4 of the Assam Sale of Forest Produce, Coupes and Mohals, 1977, whereunder, the tender notice is required to be given on 2 (two) consecutive dates, and (ii) violation of the Rule 4, which requires one month's time to be given to willing persons to submit their tenders. In the present case, apart from the fact that the notices had not been published on the consecutive dates, the period for submission of tenders was barely one week.

As the challenge posed to the impugned NIT has a short and precise ground and has not been refuted by the respondents, the impugned NITs dated 21.07.2009 and 27.03.2009 are hereby set aside and quashed. The State respondents, particularly, the respondent No. 5, namely, the Divisional Forest Officer, Hailakandi Division, Hailakandi, is hereby directed to issue tender notices afresh in accordance with law.

With the aforesaid observations and directions, this writ petition stands disposed of.

Let a copy of this order be furnished to the learned Government Advocate.