

WP(C) 4175/2011

BEFORE

THE HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. SK N Mahammad, learned counsel for the petitioner and Mrs. HM Phukan, learned State Counsel appearing for the respondents.

The grievance of the petitioner in the present petition is that though this Court vide two separate orders dated 29th July, 2011 passed in 2 (two) separate writ petitions being WP(C) No.3656/2011 and WP(C) No.3658/2011 directed the Zilla Parishad to Settle the Sonapur Weekly Market and Tatelia Weekly Market, respectively, with eligible and suitable tenderers by passing reasoned orders, the Zilla Parishad without passing any order for settlement, as directed by this Court, has passed an order dated 4th August, 2011 constituting a Committee to collect the tolls in respect of the said markets. According to the petitioner, despite the direction issued by this Court, the Zilla Parishad has not taken any final decision in the matter.

Mr. Phukan, learned State Counsel on the basis of the written instruction dated 25th August, 2011 from the Chief Executive Officer of Kamrup Metro Zilla Parishad has submitted that the General Committee in its meeting dated 9th August, 2011, after reconsideration of the entire matter, decided to settle Sonapur Weekly Market in favour of Biswajyoti Deuri and Tatelia Weekly Market in favour of Sri Ratneswar Boro.

Since such a decision has already been taken by the Zilla Parishad pursuant to the aforesaid directions issued by this Court and by order dated 4th August, 2011 only the interim arrangement was made to collect the tolls, no live issue survives in the present petition and hence, the writ petition stands closed and disposed of. The petitioner, however, may challenge the aforesaid decision of the Zilla Parishad taken on 9th August, 2011, if so advised. The Chief Executive Officer of Zilla Parishad shall furnish copies of the said orders dated 9th August, 2011 to the petitioner so that he can challenge the same before the appropriate forum, if so advised.

The writ petition is accordingly disposed of. No costs.

Copy of the written instruction dated 25th August, 2011 as produced by Mrs. Phukan, learned State Counsel is kept on record.