

WP(C) 4379/2011

BEFORE

HON'BLE MR. JUSTICE A.K.GOSWAMI

Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. R.K. Bora, learned Addl. Senor Govt. Advocate appearing for the respondents.

The grievance expressed by the petitioner is that though in terms of the notice inviting tender dated 17.5.2011, tenders have been received and opened on 10.6.2011 in respect of Lengtisinga weekly Market, Lengtisinga Daily Market and Lengtisinga Cattle Market and having regard to the fact that the bids of the highest bidders are more than '1 lakh in respect of all the three markets, tender papers, the comparative statements along with other relevant papers have not been forwarded to the Bongaigaon Zilla Parishad for doing the needful at their end, in accordance with law. According to the learned counsel for the petitioner, this has not been done on extraneous consideration. The petitioner had also submitted tenders quoting amount of '5,11,611/-, '1,51,705/- and '2,21,201/- in respect of Lengtisinga weekly Market, Lengtisinga Daily Market and Lengtisinga Cattle Market, respectively.

The Full Bench of this Court in Haraj Ali and Another v. State of Assam & Ors., reported in 2009(2) GLT 561, has held that if the bid amount is more than '1 lakh, the Standing Committee has to forward the tenders papers together with the comparative charts and other relevant papers to the Zilla Parishad for their doing the needful.

The respondent No. 4 is the Executive Officer and Secretary of the Tapatari Anchalik Panchayat and in terms of Section 52(5), he is also the Ex-Officio Secretary of every Standing Committee.

After hearing the learned counsel for the parties and on a consideration of the materials on record, I consider it appropriate to direct the respondent No. 4 to forward the tender papers in respect of the aforesaid 3 markets along with the comparative charts and other related papers, if any, to the Chief Executive Officer, Bongaigaon, Zilla Parishad, within a period of two weeks' from today so that the Bongaigaon Zilla Parishad can take such steps as are required to be taken in accordance with law.

The petitioner would be at liberty to produce a certified copy of this order to the respondent No. 4 to enable him to carry out the directions of this Court.

With the aforesaid directions, the writ petition stands disposed of.