

WP(C) 6520/2014
BEFORE
HON'BLE MR. JUSTICE MANOJIT BHUYAN

Heard Mr. BD Goswami, learned counsel representing the petitioner. Also heard Mr. LM Dihingia, learned counsel representing the respondents.

Pursuant to Sale Notice dated 1.4.2014 in respect of settlement of Deosila River Sand Mahal in the district of Goalpara, the petitioner along with another had participated in the tender process. The petitioner emerged as the highest bidder having offered Rs.10,06,500/- per annum against the settlement period covering seven years. The petitioner being adjudged as the highest and regular bidder, recommendation was made by the Divisional Forest Officer (DFO), Goalpara Division on 29.5.2014 addressed to the Chief Conservator of Forest, Central Assam, Guwahati. In the said letter, the standing of the petitioner in the tender process was indicated and it was also informed that the bid offered by the petitioner was above the Reserved Price. On the basis of the standing of the petitioner, recommendation was made for settlement of the Mahal in his favour. The said recommendation of 29.5.2014 was followed by a specific report submitted by the DFO, Goalpara Division on 2.8.2014, addressed to the Chief Conservator of Forest, Central Assam, Guwahati.

The petitioner having been adjudged as the highest valid bidder and having been so recommended by the DFO, Goalpara Division, is now aggrieved of the Sale Notice dated 13.11.2014 putting the Sand Mahal into sale all over again. Questioning the Sale Notice dated 13.11.2014 as being issued without taking into consideration the recommendation and the report of the DFO, Goalpara Division, it is submitted that the Sale Notice dated 13.11.2014 on that count cannot stand the scrutiny of law and is liable to be set aside. In the affidavit-in-opposition filed by the State respondents, there is no indication that the letters issued by the DFO had been taken into consideration prior to issuance of the Sale Notice dated 13.11.2014. The averment made in the affidavit is only in respect of the fact that a higher bidder cannot as of right claim to be a successful bidder unless its bid is accepted by the competent authority i.e. PCCF and HoFF, Assam. Learned counsel representing the petitioner refers to an order passed by the Division Bench of this Court in WA 126/2015 wherein, in a similar circumstance, this Court had interfered with the Re-sale Notice and had remitted the matter to the respondent authority for re-examination on grounds that the letters of the DFO had not been considered in its true perspective.

It thus appear that the order dated 10.6.2015 passed in WA 126/2015 is squarely applicable in the facts and circumstances of the instant case. Accordingly, this writ petition stands disposed of with a direction to the Respondent No. 2 i.e. Principal Chief Conservator of Forests and Head of Forest Force, Assam to re-examine the case of the petitioner in the light of the recommendation made by the DFO on 29.5.2014, followed by the report dated 2.8.2014, and to take a decision thereon in accordance with law within a period of 4 (four) weeks from today. Needless to say that until decision is taken by the Respondent No.2, the Mahal in question shall not be put to re-sale pursuant to Sale Notice dated 13.11.2014. Petitioner is permitted to produce a copy of this order along with a copy of

the writ petition before the Respondent No.2 for his doing the needful.
Resultantly, this writ petition stands disposed of.