

WP(C) 4427/2015
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

This writ petition was initially disposed of at the motion stage on 3.8.2015 on the understanding that this case is covered by the judgment dated 23.6.2015, in the WP(C) No.3511/2015 (Mintu Dutta vs. State of Assam). However on a challenge made by one Swapna Bania Das through the Writ Appeal No.227/2015, the Division Bench set aside the order dated 3.8.2015, passed by the single Judge and remanded the writ petition for fresh adjudication on merit.

Mr. M. Choudhury, the learned counsel submits that this matter pertaining to consecutive re-sale notice for the Durpang Mining Contract Area was also adjudicated by this Court in the WP(C) No.5108/2015 (Bishnu Pratim Borah vs State of Assam) and WP(C) No.4944/2015 (Swapna Bania Das vs State of Assam) and both cases were disposed of analogously on 7.9.2015, whereby the learned Single Judge set aside the last re-sale notice dated 22.7.2015, with further direction to finalize the settlement on the basis of the selection made, in pursuant to the 3rd re-sale notice dated 23.3.2015. The said order of the Writ Court was challenged by the aggrieved writ petitioner Swapna Bania Das and the Writ Appeal is pending.

Considering the above development, Mr. Choudhury submits that the challenge pertaining to the 3rd re-sale notice can now be closed, as it is covered by the judgment dated 7.9.2015, in the two analogous matters, referred to above.

The Forest Authorities are represented by Mr. RK Bora, the learned standing counsel and he submits that the authorities will abide by the decision given by the Division Bench in the Writ Appeal No.227/2015.

The above submissions are considered and having regard to the submission made by the petitioner's lawyer, the case is disposed of as not pressed. A copy of the analogous judgment dated 7.9.2015 in the WP(C) No.5108/2015 and WP(C) No.4944/2015, be kept in the case record.