

GAHC010031852024



2026:GAU-AS:729

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1032/2024

GITUL MEDHI
S/O LATE HAREKRISHNA MEDHI
RESIDENT OF VILLAGE BOHORIHAT, PO BOHORIHAT, PS AND DIST
BARPETA, ASSAM 781302

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF TRANSPORT, GOVT. OF ASSAM, DISPUR,
GUWAHATI 06

2:THE PRINCIPAL SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

3:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

4:THE FINANCE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

5:THE COMMISSIONER TRANSPORT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR 783370
ASSAM

6:SHRI PRASANTA DEKA
S/O UNKNOWN
RESIDENT OF NO. 1 GOLIAHATI
BARPETA
ASSAM 781301

7:SHRI DHANJIT KR. DAS
S/O UNKNOWN
RESIDENT OF ABHAYAPURI
DHARAMPUR WARD NO. 1
PO ABHAYAPURI
DIST BONGAIGAON
ASSAM 783384

8:SHRI GUNAJIT DAS
S/O SHRI CHANDRA MOHAN DAS
RESIDENT OF BELORTALI BARPETA
ASSAM 781301

9:RABIN DEKA
S/O UNKNOWN

RESIDENT OF WARD NO. 30
BASISTHA CHARIALI NEAR MANDIR
GUWAHAT

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Ms. N. S. Thakuria, Advocate
For the Respondent(s) : Ms. M. D. Borah, Standing Counsel
: Mr. N. R. Sharma, Standing Counsel

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **21.01.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Ms. N. S. Thakuria, the learned counsel appearing on behalf of the Petitioner and Ms. M. D. Borah, the learned Standing counsel appearing on behalf of the Respondent No.1. I have also heard Mr. N. R. Sharma, the learned Standing counsel appearing on behalf of the Respondent Nos. 2 to 5. The other Respondents however have not appeared taking into account that the service have not yet been completed.

2. The Petitioner herein is aggrieved by the actions on the part of the Respondent Authorities more particularly the Respondent Nos. 2 to 5 in permitting the Respondent Nos. 6 and 8 to take the possession of the vehicles bearing Registration Nos. AS-16B-6914 and AS-16F-9812 respectively in spite of the fact that the said Respondents did not submit the total bid amount within a period of 3 (three) days as stated in the notice dated 18.01.2024.

3. The case of the Petitioner herein is that the Petitioner was the second highest eligible bidder in respect to these two vehicles and as the said Respondent Nos. 6 and 8 failed to deposit the bid amount within the period of 3 (three) days in terms with the notice dated 18.01.2024, the Respondent Authorities ought to have therefore offered the said two vehicles to the Petitioner who was the second highest eligible bidder. Being aggrieved by such actions, the present writ petition has been filed.

4. It is relevant to take note of that this Court vide an order dated 28.02.2024 issued notice thereby directing the Petitioner to take steps upon the Respondent No.6 to 9 by Registered Post with A/D. The materials on record show that the service could not be affected upon the Respondent Nos. 6 to 9 on account of insufficient address.

5. Be that as it may, the Respondent No.3 had filed an affidavit-in-opposition wherein it has been mentioned that the Respondent No.6 offered the bid amount of Rs.6,11,666/- and the Respondent No.8 also offered the bid amount of Rs.3,35,501/-. It was also mentioned that vide the notice dated 18.01.2024, the final list of the bidders of the auctioned vehicles of BTC Secretariat, Kokrajhar was released and thereafter by subsequent notice dated 19.01.2024, the last date for submission of the bid amount was extended up to 02.02.2024.

6. At this stage, it is pertinent to take note of that the bid so submitted by the Petitioner in respect to the vehicle bearing Registration No. AS-16F-9805 was Rs.5,51,502/- which was Rs.60,164/- less than the Respondent No.6. Similarly, in respect to the vehicle bearing Registration No. AS-16F-9812, the Petitioner's bid amount was Rs.3,01,102/- whereas the Respondent No.8's offer was Rs.34,339/- above to that of the Petitioner. It is also apparent from the records that though the period was extended up to 02.02.2024 for deposit of the bid amounts, both the Respondent Nos. 6 and 8 were handed over the vehicles on 29.01.2024 much prior to the last date i.e. 02.02.2024 upon deposit of their bid amounts.

7. This Court has also taken note of that the Petitioner has not challenged the notification dated 19.01.2024 whereby the period was extended up to 02.02.2024.

8. Considering the fact that the Respondent Nos. 6 and 8 have quoted higher amount and were also evaluated as the highest bidders and there was an extension given up to 02.02.2024, this Court does not find any illegality on the part of the Respondent Authorities in handing over the vehicles bearing Registration Nos. AS-16B-6914 and AS-16F-9812 to the Respondent Nos. 6 and 8 respectively.

9. Accordingly, this Court does not find any merit in the instant writ petition for which the instant writ petition stands dismissed.

JUDGE

Comparing Assistant