

GAHC010031852024



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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

For the petitioner (s) : Ms N. S. Thakuria, Advocate

For the respondent (s) : Mr. S. Bora, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

22.09.2025

It is seen that this Court specifically directed the respondent Nos.2 to 5 to file an affidavit on 01.04.2024 thereby bringing on record as to whether the private respondent Nos.6 & 8 have deposited the bid amount and taken custody of the vehicle.

2. Mr. S. Bora, the learned counsel appearing on behalf of the BTC Authority submits that the vehicle has been taken by the respondent Nos.6 & 8.

3. This Court enquired as to what basis the said statement has been made and if that be so, why the same has not been put on affidavit as directed vide the order dated 01.04.2024. The learned counsel appearing on behalf of the BTC Authority has however no reply.

4. This Court therefore is of the opinion that as the respondents have not filed their affidavit inspite of due opportunities being granted and have taken further advantage that the correct address of the respondent Nos.6 & 8 are not available to the petitioner, issues notice upon the respondent No.3 as to why an amount of Rs.1,00,000/- should not be imposed as costs for delaying the disposal of the present proceedings. The Respondent No.3 shall also produce the records without fail on the next date.

5. List the matter on 24.10.2025.

JUDGE

Comparing Assistant