

GAHC010035142026



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

Case No. : WP(C)/994/2026

MAZHARUL HOQUE
S/O SRI NURUL HOQUE, VILL. UPPER DUMDUMIA, P.O. SANTIJAN, DIST.
NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR,
GUWAHATI 06

2:THE SPECIAL SECRETARY TO THE GOVT. OF ASSAM

PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE CHIEF EXECUTIVE OFFICER
NAGAON ZILLA PARIASHD
NAGAON
P.O. AND DIST. NAGAON
ASSAM
PIN-782001.

4:THE EXECUTIVE OFFICER

KHAGORIJAN ANCHALIK PANCHAYAT
P.O. KHAGORIJAN
DIST. NAGAON
ASSAM
PIN- 782446

5:THE NAGAON ZILLA PARISHAD
NAGAON

REPRESENTED BY ITS PRESIDENT
P.O. AND DIST. NAGAON
ASSAM
PIN-782001

Advocate for the Petitioner : MR. D A KAIYUM, MR. M S MONDAL

Advocate for the Respondent : SC, P AND R.D., FOR CAVEATOR,MR. TANUZ KASHYAP,MR. P GAYON,N GAUTAM,MISS. R R KAKATI,MR. K N CHOUDHURY

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 23.02.2026

Heard Mr. D.A. Kaiyum, learned counsel for the petitioner; and Ms. N. Borah, learned Standing Counsel, Panchayat and Rural Development [P&RD] Department for the respondent nos. 1 – 4. Also heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Ms. R.R. Kakati, learned counsel who has made submission on the strength of a caveat filed pursuant to a Tender Notice dated 16.02.2026.

2. By a Tender Notice dated 07.06.2025, bids were invited for settlement of a number of Market including Santijan Bi-Weekly Market ['Santijan Market', for short]. In the Tender Notice, the Government value was fixed at Rs. 51,12,643/-. In Clause 12 of the Tender Notice, it was mentioned that the tender of the highest valid bidder would be accepted for consideration, if the bid value would be within the maximum limit of 10% of the last three years average settlement value for the Santijan Market.

3. On 16.06.2025, Nagaon Zilla Parishad published a Notice notifying the settlement amount of the Santijan Market for the previous three years, and adding 10% to the average of the settlement amounts of the previous three years, Rs. 90,64,404/- had been notified for the purpose of facilitating the bidders to submit their bids. It was further mentioned that any

the bid above the said amount would not be accepted in view of Clause 12 of the Tender Notice.

4. In the bidding process, the petitioner emerged as the highest valid bidder with his offered bid value of Rs. 60,51,122/- and an Order of Settlement was issued in his favour on 03.10.2025 to allow him to operate the Santijan Market from 03.10.2025 to 30.06.2026. The petitioner accordingly, after submitting the requisite amounts and completing the formalities, stated running the Santijan Market.

5. It was on 11.02.2026, the Government in the P&RD Department wrote to the Chief Executive Officer, Nagaon Zilla Parishad by a Letter of even date mentioning that the Tenders were invited for the Santijan Market fixing the Government value at Rs. 51,12,643/-. According to the Government, by the subsequent Notice dated 16.06.2025, the Government value of the Market was re-fixed by the Nagaon Zilla Parishad at Rs. 90,64,404/-. Yet, the Santijan Market has been settled with the petitioner on 03.10.2025 for a lesser amount of Rs. 60,51,122/-. According to the Government, the settlement amount was much lower than the Government value fixed by the Zilla Parishad at Rs. 90,64,404/- and the same had resulted into loss of Rs. 30,00,000/- [approx.] to the State exchequer.

6. Immediately after the Government Letter dated 11.02.2026, an Office Order dated 16.02.2026 has been passed by the Chief Executive Officer, Nagaon Zilla Parishad whereby the settlement granted in favour of the petitioner for Santijan Market has been cancelled with immediate effect. On the same day, a Tender Notice dated 16.02.2026 has been published for settlement of the Market again.

7. Mr. Choudhury, learned Senior Counsel has submitted that the caveator is a bidder in response to the Tender Notice dated 16.02.2026 appropriate pleadings will be filed by the caveator for his impleadment as a party-respondent in the instant writ petition.

8. Mr. Kaiyum, learned counsel for the petitioner has submitted that vide the Notice dated 16.06.2025, Nagaon Zilla Parishad had only notified the upper ceiling within which the bids

would be accepted and the Notice dated 16.06.2025 is in conformity with Rule 47 of the Assam Panchayat [Financial] Rules, 2002, as amended. In such view of the matter, the Government instruction given through the Letter dated 11.02.2026 that the Government had fixed the value of the Santijan Market at Rs. 90,64,404/- is contrary to Rule 47.

9. The matter would require further consideration.

10. Issue notice, returnable 16.03.2026.

11. As Ms. Borah has appeared and accepted notices on behalf of the respondent nos. 1 – 4, issuance of formal notice in respect of the said respondents stand dispensed with. The learned counsel for the petitioner shall serve requisite nos. of extra copies of the writ petition along with annexures, to Ms. Borah and Ms. Kakati within 2 [two] working days by tomorrow.

12. The petitioner shall take steps for service of notice upon the respondent no. 5 by speed post within two working days from today.

13. From a combined reading of Clause 12 of the Tender Notice, Notification dated 29.06.2024 of the State Government in Panchayat and Rural Development [P&RD] Department [Annexure-1], Notice dated 16.06.2025 and Rule 47 of the Assam Panchayat [Financial] Rules, 2002, as amended, it prima facie emerges that any bid above the notified upper limit of Rs. 90,64,404/- would not be accepted for settlement of the Santijan Market. Meaning thereby, only bids below the said amount would be accepted. The Government value has already been fixed in the Tender Notice at Rs. 51,12,643/-. In such view of the matter, prima facie this Court is of the considered view that the petitioner has been able to make out a case for interim relief. Accordingly, it is ordered, in the interim, that the impugned Office Order dated 16.02.2026 shall remain stayed till the returnable date. In view of the interim order stay passed, the petitioner shall be allowed to operate the Santijan Market, in the interregnum.

14. In the meantime, the respondent authorities may proceed to accept the bids received

in response to the Tender Notice dated 26.06.2025 but the bids received till the last date of submission shall not be reopened till the returnable date.

JUDGE

Comparing Assistant