

GAHC010104282026



2026:GAU-AS:7510

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

Case No. : WP(C)/2769/2026

TAIZUL ISLAM
S/O LATE HAZI KHODA BOKSH, VILLAGE- FULERCHAR PART III, P.O.
FULERCHAR, DIST.- SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE CHIEF EXECUTIVE OFFICER
SOUTH SALMARA MANKACHAR ZILLA PARISHAD
HATSINGIMARI
P.O. HATSINGIMARI
DIST.- SOUTH SALMARA MANKACHAR
ASSAM. PIN-783135.

3:THE EXECUTIVE OFFICER
FEKAMARI ANCHALIK PANCHAYAT
P.O. FEKAMARI
DIST.- SOUTH SALMARA MANKACHAR
ASSAM. PIN-783135.

4:THE SECRETARY
FULERCHAR GAON PANCHAYAT
P.O. FULERCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM. PIN-783135

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

Advocate for the Respondent : SC, P AND R.D.,

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 29-05-2026

Heard Mr. D.A. Kaiyum, learned counsel for the petitioner and Ms. N. Bora, learned Standing Counsel, Panchayat & Rural Development [P&RD] Department for all the respondents.

2. It is the case of the petitioner that pursuant to a competitive bidding process initiated by a Tender Notice dated 16.06.2025 as per the provisions of Assam Panchayat Act, 1994 by the Fulerchar Gaon Panchayat, the ghat named 'Kokradanga to Dhubri Launch Ghat [Evening]' ['the Launch Ghat'] was allowed to run by the petitioner at a settlement value of ₹ 1,82,402/- from 01.08.2025 to 30.06.2026 during the Panchayat Financial Year : 2025-2026. The Launch Ghat was settled with the petitioner vide an Order dated 17.08.2025 passed by the Secretary, Fulerchar Gaon Panchayat.

3. It is the further case of the petitioner that due to river bank erosion of the River Brahmaputra, the Launch Ghat had to be shifted from one place to another on several occasions and presently, there is no permanent site of the Launch Ghat at the locality of Kokradanga which has caused severe inconvenience to the daily passengers. Further, due to continuous low water level at the River, the said Launch Ghat could not operate smoothly. Highlighting the difficulties faced by the petitioner during the settlement period and seeking

remission, the petitioner made representations before different Panchayat authorities from time to time but the representations failed to evoke any response.

4. Thereafter, the petitioner has preferred an application before the respondent no. 1, on 21.04.2026, seeking inter alia remission of the settlement amount in an appropriate manner. It has been represented by the petitioner in the representation that due to continuous low water level at the river, the Launch Ghat could not be operated for the maximum period of lease and he as the lessee could not collect minimum fare from his lease.

5. It is submitted by Mr. Kaiyum, learned counsel for the petitioner that if the prayer of the petitioner is granted by the authorities then there will be relief to the petitioner in respect of the settlement amount which can be adjusted with the outstanding dues, if any.

6. Ms. Bora, learned Standing Counsel, P&RD Department has submitted that power and authority is vested in the State Government under Rule 49 of the Assam Panchayat [Financial] Rules, 2002 to consider a case of remission in an appropriate case. It cannot be ascertained as to whether the representation stated to have been submitted by the petitioner on 21.04.2026 had been received at the end of the said respondent authority. In such view of the matter, Ms. Bora has submitted that the petitioner be directed to submit a fresh representation before the Principal Secretary to the Government of Assam, Panchayat & Rural Development [P&RD] Department with his afore-mentioned prayer.

7. Mr. Kaiyum, learned counsel for the petitioner has agreed to the said submission of the learned Departmental Counsel.

8. Since the prayer of the petitioner is for remission of settlement amount, it would be incumbent upon the authorities to consider the same and pass appropriate order in accordance with law. Situated thus and as agreed to by learned counsel for the parties, this writ petition is disposed of by granting 10 [ten] days' time to the petitioner to submit appropriate application for remission. If such an application, accompanied by a certified copy of this order, is submitted before the Government within the time granted in this order, the same shall be considered and the matter is to be decided as expeditiously as possible, preferably within a further period of one month from the date of receipt of the application from the petitioner. Till the time the application is not disposed of, no coercive action shall be initiated against the petitioner.

9. This order disposes of the writ petition.

JUDGE

Comparing Assistant