

GAHC010146562026



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

Case No. : WP(C)/3713/2026

MOKSED ALI MANDAL
S/O- LT. SATTAR ALI MANDAL.
VILL - KAHIBARI PT-I, P.S.- ABHAYAPURI, DIST.- BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, TRANSPORT DEPARTMENT, ASSAM, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF INLAND WATER TRANSPORT
ASSAM
ULUBARI
GUWAHATI-07.

3:THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT
ASSAM
ULUBARI
GUWAHATI-07

4:MOHIR UDDIN
S/O- AMIR HUSSAIN

VILL.- SONTOSHPUR PT-II
P.O.- SONTOSHPUR
P.S.- MERERCHAR
DIST.- BONGAIGAON
ASSAM
PIN -783384

Advocate for the Petitioner : MR. P RAHMAN, MR S ISLAM

Advocate for the Respondent : SC, IWT,

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

17.07.2026

Heard Shri P. Rahman, learned counsel for the petitioner.

As per the facts projected, pursuant to a short tender notice dated 09.06.2026, the petitioner was granted temporary settlement to run the 5 No. Bashbari Bazar via Salabila Bhandara Ferry Service for the period of 16.06.2026 to 31.07.2026.

It is contended on behalf of the petitioner that the bid amount of Rs. 30,100/- was deposited by him. In the meantime, a process was held for settlement of the said Ferry Service on permanent basis. However, vide the impugned order dated 15.07.2026, the settlement has been given to the private respondent no. 4 for a period of 15 days from 16.07.2026.

Shri Rahman, learned counsel for the petitioner has submitted that the petitioner's settlement though temporary, was stipulated to be continued till 31.07.2026 and is not replaced by any permanent settlement.

On the other hand, Ms. M.D. Bora, learned Standing Counsel, IWT has submitted that the initial order of settlement dated 15.06.2026 had clearly stipulated that the arrangement was purely temporary and could be withdrawn/ cancelled on instructions of higher authorities. She has also submitted that the settlement process for the Ferry Service in question was taken up by the Tender Committee in its meeting dated 19.06.2026 in which, the respondent no. 4 against Sl. No. 17 was found to be the highest bidder and the petitioner was found to be failing in the aspect of having boat Registration Certificates.

Issue notice, returnable on 24.07.2026.

Ms. Bora, learned Standing Counsel accepts notice on behalf of the respondent nos. 1, 2 and 3.

Extra copy of the writ petition be served upon the learned Standing Counsel.

Petitioner would take steps for service of notice upon the respondent no. 4 by registered post with A/D.

Steps within 2 working days.

Additionally, the said respondent no. 4 is required to be served by *dasti* by the petitioner which is routed through the Registry of this Court and the next date fixed i.e. 24.07.2026 be clearly reflected in the notice.

Shri Rahman, learned counsel for the petitioner prays for an interim order.

Considering the facts and circumstances and also the aspect that a temporary arrangement has been sought to be replaced by another temporary arrangement, the impugned order dated 15.07.2026 pertaining to the Ferry Service in question shall remain suspended.

The aforesaid interim order would, however, be reconsidered on the returnable date on obtaining of specific instructions by the learned Standing Counsel.

It is, however, made clear that since the subject matter of this writ petition is only with regard to temporary settlement, there would be no bar for making final settlement in accordance with law after expiry of the settlement which was given to the petitioner for the period from 16.06.2026 to 31.07.2026.

JUDGE

Comparing Assistant