

GAHC010174752022



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

Case No. : WP(C)/5698/2022

SUMIT TALUKDAR
S/O- LT. SURESH TALUKDAR, R/O- KRISHNA NAGAR, P.O. BINNAKANDI
TEA, P.S. LAKHIPUR, DIST.- CACHAR, ASSAM, PIN- 788126

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
PANCHAYAT AND RURAL DEVELOPMENT, DISPUR, GHY, ASSAM, PIN-
781006

2:THE DY. COMMISSIONER
CACHAR
SILCHAR
ASSAM
PIN- 788001

3:THE CHIEF EXECUTIVE OFFICER
ZILA PARISHAD
CACHAR
SILCHAR
ASSAM
PIN- 788001

4:THE PRESIDENT
ZILA PARISHAD
CACHAR
SILCHAR
PIN- 788001

5:THE BLOCK DEVELOPMENT OFFICER
BINNAKANDI DEVELOPMENT BLOCK

CACHAR
ASSAM
PIN- 788126

6:THE PRESIDENT
BINNAKANDI ANCHALIK PANCHAYAT
PIN- 78812

Advocate for the Petitioner : MR. S K GHOSH

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 01-09-2022

Heard Mr. S.K. Ghosh, learned counsel for the writ petitioner.

In this writ petition, the re-tender notice dated 26-08-2022 (Annexure-8) issued by the Executive Officer, Binnakandi Anchalik Panchayat has been put to challenge, *inter alia*, on the ground that the petitioner is holding a lease in respect of the shop room put to sale which is valid till August, 2023 and therefore, the respondents could not have issued the tender notice for settlement of the said shop room before expiry of the lease period.

It is also the submission of Mr. Ghosh that although a lease agreement was entered by the petitioner with the Anchalik Panchayat, no copy of the same was furnished to him. Mr. Ghosh has also submitted that the shop room was constructed over the land belonging to the petitioner's father but with the financial assistance of the Anchalik Panchayat and that is the sole reason why the petitioner had agreed to pay rent of Rs. 1600/- per month to the Anchalik Panchayat. On such ground a prayer has been made to stay further process of the tender in question.

Mr. S. Dutta, learned standing counsel, P&RD Department, Assam has, however, prayed for some time to obtain instruction in the matter.

Issue notice of motion returnable on 21-09-2022.

Since Mr. Dutta has appeared and accepted notice on behalf of respondent Nos. 1, 3 and 5 and Ms. M. Barman, learned Govt. Advocate, Assam has accepted notice on behalf of respondent No. 2, service of notice upon respondent Nos. 1, 2, 3 and 5 is deemed to be complete in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel so as to enable them to obtain instruction in the matter.

Petitioner to take steps for service of notice upon respondent Nos. 4 and 6 by registered post with A/D within 03 days from today.

Heard on the prayer of interim relief.

Considering the facts and circumstances of the case as well as the averments made in the writ petition, it is hereby provided that the respondent may go ahead with the tender process but shall not finalize the same without the leave of the Court.

JUDGE

GS

Comparing Assistant