

GAHC010202832022



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

Case No. : WP(C)/6564/2022

AKBAR ALI
SON OF ASMAT ALI,
RESIDENT OF VILLAGE- JAHANA PATHAR,
P.O.- RAMAPARA,
P.S. BAGBOR,
DISTRICT- BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
TRANSPORT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM
TRANSPORT DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR
INLAND WATER TRANSPORT DEPARTMENT
ASSAM
ULUBARI
GUWAHATI-7.

4:THE EXECUTIVE ENGINEER

INLAND WATER TRANSPORT

DIVISION GUWAHATI

ULUBARI
GUWAHATI-7.

5:THE DEPUTY COMMISSIONER
GOALPARA
DIST.- GOALPARA
ASSAM

PIN- 783101

6:ABU SAYED MONDAL
S/O LATE ABDUR RAHMAN MONDAL

RESIDENT OF VILL- ABRARBHITA

P.O.- BALARBHITA

P.S.- BAGUAN

DIST.- GOALPARA
ASSAM

PIN- 783129.

7:AFIYAL SHEIKH
S/O- MIRAJ ALI

R/O- VILL.- MAMUDPUR PT-II

P.O.- DALGOMA

P.S. MATIA

DIST.- GOALPARA
ASSAM

PIN- 783125.

8:ANOWAR HUSSAIN
S/O- LT. ABDUL KAYUM

R/O- VILL.- KARBALA

P.O.- GOBINDAPUR

P.S.- GOALPARA

DIST.- GOALPARA

ASSAM

PIN- 783101.

9:THE DEPARTMENTAL TENDER COMMITTEE
REPRESENTED BY ITS CHAIRMAN
I.E. DIRECTOR
INLAND WATER TRANSPORT DEPARTMENT
ASSAM
ULUBARI
GUWAHATI-7

Advocate for the Petitioner : MR. N BORAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 29-09-2022

Heard Mr. N. Borah, learned counsel for the writ petitioner.

According to the petitioner's counsel he is the highest bidder, after the cancellation of the experience certificate of the respondent Nos. 6 and 7. Notwithstanding the same, the department is proposing to settle the ferry in favour of the respondent No. 6.

Responding to the above, Ms. M.D. Bora, learned standing counsel, Transport Department submits that no decision has been taken yet by the department to issue the order of settlement in favour of any particular bidder. Therefore, this writ petition is premature.

Ms. M. Barman, learned Govt. Advocate is present on behalf of the State.

After hearing the learned counsel for the parties, it appears that no decision has

yet been taken by the departmental authorities to settle the ferry with any particular bidder. However, in view of the apprehension expressed by the petitioner, this matter would call for examination.

Issue notice of motion returnable in 06 weeks.

Since Ms. M.D. Bora has accepted notice on behalf of respondent Nos. 1 to 4 and 9 and Ms. M. Barmah, learned Govt. Advocate, Assam has accepted notice on behalf of respondent No. 5, no formal notice is required to be sent to the said respondents.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel.

Petitioner to take steps for service of notice upon respondent Nos. 6 to 8 by registered post with A/D.

Heard on the prayer of interim relief.

The said prayer will be considered on the returnable date.

Pendency of this writ petition shall not be a bar for the authorities to process the tender in accordance with law, if so advised.

JUDGE

GS

Comparing Assistant