

GAHC010217052024



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

Case No. : WP(C)/5324/2024

RATUL CHANDRA ROY
R/O- VILL.- BOALIMARI, P.O. ABHAYAPURI, DIST. BONGAIGAON, ASSAM,
PIN- 783384.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY-781006.

2:THE DEPARTMENT OF TOURISM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
ASSAM STATE TOURISM DEPARTMENT
GOVT. OF ASSAM
DISPUR
GHY-781006.

3:THE DIRECTOR OF TOURISM
DIRECTORATE OF TOURISM
GOVT. OF ASSAM
STATION ROAD
GHY-781001.

4:THE ASSAM TOURISM DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR
ASSAM TOURISM DEVELOPMENT CORPORATION LIMITED
ASSAM PARYATAN BHAWAN
AK AZAD ROAD
PALTANBAZAR
GHY781008.

5:GENERAL MANAGER

ASSAM TOURISM DEVELOPMENT CORPORATION LIMITED
ASSAM PARYATAN BHAWAN
AK AZAD ROAD
PALTANBAZAR
GHY-781008.

6:DISTRICT COMMISSIONER
BONGAIGAON
ASSAM-783384.

7:ADDITIONAL DISTRICT COMMISSIONER
BONGAIGAON
ASSAM-783384.

8:SUB-DIVISIONAL OFFICER (C) NORTH SALMARA AND CHAIRMAN
KKEP DEVELOPMENT COMMITTEE
DIST. BONGAIGAON
ASSAM
PIN- 783384.

9:MEMBER SECRETARY
KKEP DEVELOPMENT COMMITTEE
DIST- BONGAIGAON
ASSAM-783384

Advocate for the Petitioner : MR. R SEKHAR, MR. B D CHOWDHURY,B SONOWAL

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

25.10.2024

Heard Mr. R. Sekhar, learned counsel for the petitioner. Mr. K. Gogoi, learned counsel appears for the respondent Nos.1, 2, 3, 6, 7 & 8.

2. The petitioner's case is that pursuant to an NIT floated by the Assam Tourism Development Corporation Ltd. (ATDCL) for management, development and operation of the Koya Kujia Eco Park for a period of 5 years, the petitioner was declared the

successful tenderer. Accordingly, an agreement was executed on 29.05.2023 between the ATDCL and the petitioner for operation of the eco park. However, only 12 infrastructures have been handed over to the petitioner, out of the 14 infrastructures that were to be handed over to the petitioner in terms of the agreement. The parking infrastructure and the boundary wall of the eco park have not been handed over to the petitioner.

3. This Court had instructed the counsel for the respondents to obtain instructions in the matter and as per the instructions received by Mr. K. Gogoi, there is a jurisdictional issue in respect of the eco park, since the ATDCL structures inside the park were leased out to the petitioner. The submission made by Mr. K. Gogoi is that 12 out of the 14 infrastructures were completely constructed by the ATDCL, while the remaining 2 infrastructures, i.e., parking and boundary wall have been developed by the Tapattary Development Block. Therefore, the ATDCL cannot claim sole ownership over the parking and boundary wall.

4. Mr. K. Gogoi further submits that the eco park has been run by the Koya Kujia Eco Park Development Committee under the chairmanship of the SDO (Civil) since the year 2006 and as such, the ATDCL has got no role to play in trying to lease out the parking and the boundary wall of the eco park.

5. On the other hand, the stand of the petitioner is that the Government had entrusted the leasing out of the entire eco park to the ATDCL, for which an NIT was issued. The petitioner having been declared the successful tenderer and in terms of the agreement dated 29.05.2023 executed between the ATDCL and the petitioner, the petitioner is to be given possession of all the 14 infrastructures, including the parking and the boundary wall.

6. The petitioner shall produce the concerned NIT on the next date. Further, the

Commissioner & Secretary to the Government of Assam, Assam State Tourism Department should submit an affidavit and clarify as to whether the parking and the boundary wall, which is mentioned in the agreement dated 29.05.2023, executed between the ATDCL and petitioner, can be leased out by the ATDCL to the petitioner. Affidavit should be submitted within 2(two) weeks.

7. List the matter on **18.11.2024.**

JUDGE

Comparing Assistant