

(2021) 06 GAU CK 0092

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3074 Of 2021

Sekura Boro

APPELLANT

Vs

Principal Secretary And 3 Ors.

RESPONDENT

Date of Decision : 18-06-2021

Acts Referred:

Citation : (2021) 06 GAU CK 0092

Hon'ble Judges : Suman Shyam, J

Bench : Single Bench

Advocate : D J Haloi

Final Decision : Disposed Of

Judgement

Heard Mr. D.J. Haloi, learned counsel appearing for the writ petitioner. Also heard B. Choudhury, learned standing counsel, BTC appearing on behalf

of respondent Nos. 1, 3 and 4 and Mr. J. Handique, learned Govt. Advocate, Assam appearing for the respondent No. 2.

The writ petitioner herein was settled with the Ananda Bazar Bi-Weekly Market for the year 2019-20 based on a public tender. On completion of the

period of settlement, the order of settlement was extended from time to time and by the order dated 30-06-2020, the period of settlement of the Bi-

Weekly market has finally been extended up-to 30-06-2021. As per the case projected in the writ petition, the petitioner has deposited the bid money,

security deposit and other amounts payable in the terms of the order of settlement. However, being aggrieved by the impugned NIT dated 09-06-2021

whereby, the aforesaid market has been put up for sale for the year 2021-22, the present petition has been filed.

Mr. Haloi submits that while running the market, as aforesaid, the petitioner has

incurred heavy losses due to the pandemic situation. Since the petitioner has made heavy investment and he has not been able to re-coup his investment by operating the market, hence, his order of settlement is required to be extended for a further period of three months so as to enable him to recover his losses. On such ground, the petitioner has prayed for staying further process of the NIT dated 09-06-2021.

The prayer made in the writ petition has, however, been strenuously opposed by Mr. Choudhury, learned standing counsel, BTC who submits that the petitioner does not have any legal right to claim extension after having availed extension of the settlement order earlier on similar ground.

It is no doubt correct that the decision of extending an order of settlement would lie in the domain of discretionary jurisdiction of the authorities.

However, the Court cannot be completely unmindful of the fact that due to the pandemic situation several business enterprises have suffered heavy losses during the past year. Therefore, the petitioner would have a right to present his grievance before the authorities by submitting proper representation.

In view of the above, without commenting on the merit of the claim of the petitioner, I dispose of this writ petition at the stage of motion hearing by granting 03 days time to the petitioner to submit a proper representation before the respondent No. 1 ventilating his grievance in the matter. If such representation is filed within 03 days, along with a certified copy of this order, the same may be considered on merit and disposed of in accordance with law.

It is further made clear that since the order of extension of settlement granted earlier in favour of the petitioner is valid till 30-06-2021, his possession over the aforesaid market shall not be disturbed till that day.

With the above observation, this writ petition stands disposed of.