

GAHC010003202022



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

Case No. : WP(C)/198/2022

ABDUL MANNAN SHEIKH
S/O. SURMAN ALI, VILL. BIRSHING PT-III, P.O. AND P.S. FAKIRGANJ, DIST.
DHUBRI, ASSAM, PIN-783330.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY, MINISTRY OF RURAL DEVELOPMENT, NEW
DELHI-110001.

2:THE STATE OF ASSAM

REP. BY THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
JURIPAR
PANJABARI
GUWAHATI-37.

3:THE DEPUTY COMMISSIONER CUM DISTRICT PROGRAMME CO-
ORDINATOR

DHUBRI
P.O. DHUBRI
DIST. DHUBRI
ASSAM
PIN-783301.

4:THE CHIEF EXECUTIVE OFFICER

DHUBRI ZILLA PARISHAD
DHUBRI

P.O. DHUBRI
DIST. DHUBRI
ASSAM
PIN-783301.

5:THE PROJECT DIRECTOR

DISTRICT RURAL DEVELOPMENT AGENCY (DRDA)
DHUBRI
P.O. DHUBRI
DIST. DHUBRI
ASSAM
PIN-783301.

6:THE BLOCK DEVELOPMENT OFFICER (BDO)

BIRSING JARUA DEVELOPMENT BLOCK
DHUBRI
P.O. DHUBRI
DIST. DHUBRI
ASSAM
PIN-783301.

7:THE SECRETARY OF BRISHING GAON PANCHAYAT
VILL. BIRSHING PT-I
P.O. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.07.2023

The instant writ petition has been filed challenging the inaction on the part of the respondent authorities in not making the payment of Rs.1,05,282/- for material supplied bills in connection with the work

executed for construction of CC Block road at Birsing Pt-I (Natun Bazar) under MGNREGA Scheme during the year 2017-18.

2. The case of the petitioner herein is that vide the order dated 31.08.2017, the Office of the Project Director of District Rural Development Agency (DRDA), Dhubri had sanctioned an amount of Rs.9,98,893/- for constructions of CC Block Road at Birshing Pt-I (Natun Bazar) of Birshing Gaon Panchayat under MGNREGA Scheme during the year 2017-18. It is the further case of the petitioner that the Secretary, Birshing Gaon Panchayat had requested the petitioner's enterprise M/S Rehena Enterprise to supply the requisite materials at the work site within 10 days for execution of construction of CC Block Road at Birshing Pt-I, Natun Bazar of Birshing Gaon Panchayat and also asked the petitioner to submit bills after completion of aforesaid supply work for payment. Accordingly, the petitioner supplied materials as per the order dated 20.06.2019 issued by the concerned Gaon Panchayat Secretary. It is the further case of the petitioner that the concerned Block Development officer, Birshing Jarua Development Block had visited the place of work and found that 100% of the work to be completed. Accordingly, the petitioner submitted his bills/vouchers totaling Rs.1,05,282/- along with all relevant papers to the concerned Gaon Panchayat Secretary for necessary payment. Thereafter, the Block Development Officer, Birshing Jarua Development Block had verified all material bills/vouchers and passed the material bills of Rs.1,05,282/- for making necessary payment to the petitioner. But, till date, the material supplied bills of Rs.1,05,282/- was not paid to the petitioner by the respondent authorities. It is under such circumstances that the instant writ petition has been filed for an

appropriate direction upon the respondent authorities to make the payment of Rs.1,05,282/- to the petitioner to which the petitioner claims to be entitled to.

3. Mr. S. Dutta, the learned counsel appearing on behalf of the respondents submits that the question as to whether the petitioner has supplied the materials and as to whether the petitioner would be entitled to the amount of Rs.1,05,282/- as has been sought for by the instant writ petition is a matter which needs to be verified at the end of the respondent authorities. He submits that it is only on the basis of such verification, the actual entitlement of the petitioner, if any, can be ascertained.

4. Taking into account the materials on record as well as the submission made by the learned counsel appearing on behalf of the respondents, this Court finds it appropriate in the interest of justice to dispose of the instant writ petition accordingly directing the respondent authorities to make necessary verification as regards the materials supplied by the petitioner and upon necessary verification if it is found that the petitioner is entitled to any amount, the same be disbursed to the petitioner. The said exercise be completed within a period of 3 (three) months from the date a certified copy of the instant order is submitted to the respondent No.6.

5. With the above, the instant petition stands disposed of.

JUDGE