

GAHC010003422023



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

Case No. : WP(C)/237/2023

RAJENDRA KUMAR GHOSH
S/O- LT. P.C. GHOSH, R/O- M.L. BARUAH LANE, P.O. SILPUKHURI, GHY-03,
DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY PRINCIPAL SECRETARY, HOME DEPTT., DISPUR, GHY-06, DIST.-
KAMRUP (M), ASSAM

2:THE DISTRICT MAGISTRATE
GHY-01
DIST.- KAMRUP (M)
ASSAM

3:THE COMMISSIONER OF POLICE
M.G. ROAD
PAN BAZAR
GHY-01
DIST.- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. S KATAKI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

24.11.2023

Heard Shri S. Kotoki, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned State Counsel.

The respondent no. 3 has also filed an affidavit-in-opposition through the Deputy Commissioner of Police (Administration), Assam.

Considering the facts and circumstances the stand of the respondents and as agreed to by the learned counsel for the parties, the writ petition is taken up for disposal at the admission stage.

The petitioner owns six vehicles "City buses" bearing registration Nos. AS-10/6976, AS-25-AC/9099, AS-07-C/0878, AS-06-D/2417, AS-01-FC/4814 and AS-11-BC/1305 which were taken on hire by the respondents and in connection thereto, there are outstanding bills, the total of which is Rs.73,75,026/-. The bills not being cleared, the petitioner has approached this Court. Shri Kotoki, the learned counsel for the petitioner has submitted that the claim is not disputed and therefore appropriate orders be passed by this Court. He has also referred to the affidavit-in-opposition dated 01.07.2023 filed by the respondent no. 3 in which the claim of the petitioner has been admitted.

Ms. S. Baruah, learned State Counsel has fairly submitted that the claim of the petitioner is not disputed in principle as would be evident from the affidavit-in-opposition filed by the respondent no. 3 on 01.07.2023. The learned State Counsel however submits that the proposal has been sent for due sanction and only after the sanction is granted, the amount can be released to the petitioner.

Though the petitioner has claimed an amount of Rs. 73,75,026/-, Ms. Baruah, the learned State Counsel has submitted that in the meantime 7 numbers of bills amounting to Rs.8,14,375/- has been sanctioned and paid to the petitioner.

In view of the above, the direction to clear the bills would be for the balance amount which has been mentioned in paragraph 7 of the affidavit-in-opposition dated 01.07.2023.

After hearing the parties, this Court is of the view that since the claim of the petitioner is not disputed as such and rather admitted in the affidavit-in-opposition, appropriate orders can be passed by this Court in exercise of its powers under Article 226 of the Constitution of India.

Though a stand has been taken on behalf of the respondents that the amount though admitted has been sent for sanctioning, this Court has noticed that the proposal are of March and June, 2023 and in the meantime, sufficient time has elapsed.

In view of the above, the instant petition is disposed of by directing release of the admitted bills of the petitioner as mentioned in paragraph -7 of the affidavit-in-opposition dated 01.07.2023 within a period of 90 days from today.

It is made clear that the issue of grant of sanction is to be worked out within the aforesaid period and the amount be released within the time stipulated.

Writ petition accordingly stands allowed.

JUDGE

Comparing Assistant