

GAHC010003472021



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

Case No. : WP(C)/173/2021

MD. ANOWAR HUSSAIN
S/O- LT. JABBAR ALI, R/O- VILL- SANIADI, HAJO, P.O. SANIADI, P.S. HAJO,
DIST.- KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMM. AND SECY. GOVT. OF ASSAM, HOME DEPTT., DISPUR,
GHY-6

2:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

3:THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
STATE HOME DEPTT.
DISPUR
GHY-6

4:THE DIRECTOR GENERAL OF POLICE
ASSAM
B.K.KAKATY ROAD
ULUBARI
GHY-7

5:THE ADDL. DIRECTOR GENERAL OF POLICE (ADMN)
ASSAM
B.K.KAKOTY ROAD
ULUBARI
GHY-7

6:THE ADDL. INSPECTOR GENERAL OF POLICE (ADMN)
ASSAM
B.K.KAKOTY ROAD
ULUBARI
GHY-7

7:THE SUPERINTEDENT OF POLICE
KAMRUP (R)
AMINGAON
ASSAM

8:THE DISTRICT MAGISTRATE-CUM-DY. COMMISSIONER
KAMRUP (R)
AMINGAON
(LAW AND ORDER)
DIST.- KAMRUP (R)
ASSAM

9:THE MOTOR TRANSPORT OFFICER
KAMRUP (R)
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

09.06.2023

Heard Mr. L. Mohan, learned counsel for the petitioner and Ms. M. Barman, learned Junior Government Advocate, Assam for all the respondents.

2. It is the case of the petitioner that the petitioner's 7 [seven] vehicles bearing registration nos. AS-01/AD-7878 [Bolero], AS-25/CC-5020 [Bolero], As-01/HC-6697 [Bus], AS-18/C-6619 [Bus], AS-01/HC-6500 [Bus], AS-25/J-0001 [Innova], and AS-01/DC-4693 [Truck] came to be hired by the respondent no. 7 on the grounds like maintenance of law and order situation, etc. during the period from 2018 to 2020, as indicated in Annexure-1 to the writ

petition. The petitioner has claimed that though the vehicles were released on different dates, as indicated in Annexure-1 to the writ petition, the hiring charges in respect of the vehicles have not been released till the time of institution of the writ petition though the bills claiming hiring charges were submitted before the respondent no. 6 duly. According to the petitioner, the total amount payable to him in respect of hiring charges is Rs. 34,34,303/-. Aggrieved by non-release of the hiring amount of Rs. 34,34,303/-, the petitioner has preferred this writ petition seeking a direction to the respondent authorities to release such amount.

3. A counter affidavit has been filed on behalf of the respondent no. 7 on 03.09.2021 admitting, in paragraph no. 6 thereof, about the periods of requisition and release of the vehicles at different periods. In paragraph no. 9 of the said counter affidavit, the respondent no. 7 has averred that the necessary bills after due verification at his end, were forwarded to the Assam Police Headquarters, as per the Table therein, for sanction. The respondent no. 7 has averred that the total amount of the said bills is Rs. 34,39,045/-. It is further averred that as no sanction has been received from the Assam Police Headquarters, the bill amounts have remained unpaid.

4. In the backdrop of the above fact situation, Ms. Barman, learned Junior Government Advocate, Assam has submitted that this writ petition can be disposed of with a direction to the respondent authorities to release the amount of Rs. 34,39,045/- as expeditiously as possible, by indicating an outer limit. According to her, a period of 4 [four] months will be a reasonable time period for the respondent authorities to process, sanction and disburse the said amount of Rs. 34,39,045/- to the petitioner.

5. Mr. Mohan, learned counsel for the petitioner has agreed to the submission made by Ms. Barman, learned Junior Government Advocate, Assam.

6. In view of the broad consensus arrived at the parties, this Court is of the considered view that instead of keeping this writ petition pending the same can be disposed of with a direction to the respondent authorities to process, sanction and disburse the amount of Rs. 34,39,045/-, which is stated to be pending towards hiring charges of the vehicles, as

expeditiously as possible, but not later than a period of 4 [four] months from the date of receipt of a certified copy of this order at the office of the respondent no. 4 and the respondent no. 7. It is accordingly ordered.

7. This order disposes of the writ petition.

JUDGE

Comparing Assistant