

GAHC010010082021



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

Case No. : WP(C)/701/2021

AMAL BHATTACHARJEE
S/O. LT. AJIT RAJAN BHATTACHARJEE, R/O. WARD NO.VII, P.O.
LAKSHMISAHAR, P.S. AND DIST. HAILALANDI, ASSAM, PIN-788152.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER, PANCHAYAT AND RURAL DEVELOPMENT
DEPTT., ASSAM, PANJABARI, JURIPARA, GUWAHATI-37.

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GUWAHATI-06.

3:THE DIRECTOR

PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM
PANJABARI
JURIPAR
GUWAHATI-37.

4:THE CHIEF EXECUTIVE OFFICER
HAILAKANDI ZILA PARISHAD CUM PROJECT DIRECTOR
DRDA
ASSAM
PIN-788151.

5:THE BLOCK DEVELOPMENT OFFICER

HAILAKANDI
DEVELOPMENT BLOCK
HAILAKANDI

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent : SC, PNRD

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

25.08.2023

The instant writ petition has been filed by the petitioner seeking a direction upon the respondent Nos.4 & 5 to release the amount of Rs.39,78,455/- for the materials supplied by the petitioner for different schemes under the MGNREGA within a stipulated time with interest.

2. It appears from the writ petition that that the petitioner is a Government supplier under P&RD Department. Accordingly, he was allowed to supply construction materials for the work of "Construction of road start from By pass to Dholeswari River via Bilal Ahmed House with culvert at Village Narainpur Part III (A.P.) share" vide Work Id No. 0422001009RC002/450 under Hailakandi Development Block for the year 2016-2017 with an estimated cost amount of Rs.49,61,125/-. It is stated that in terms of the said plan and estimate, the Government has granted administrative sanction for supply of materials of the above mentioned works on 23/02/2016. Accordingly, the petitioner supplied all the raw materials for the said works and a Fund Transfer Order was allotted vide No. 74293, 74294, 74295, and 74298, 74299, 74300, 74302 and 74304, and funds were allotted against the said Fund Transfer Order numbers for material costs of

the supply of the works. The estimated materials amounts to Rs.39,78,455/- and skill and semi skill amounts to Rs.1,42,315/- totaling an amount of Rs.41,20,770/-. Surprisingly, the respondents have not yet released the entitlement to the petitioner. It is further stated that the Junior Engineer, DRDA, Hailakandi submitted the field verification report to the BDO, Hailakandi but the BDO did not release the full due amount inspite of supplying the entire materials for the said work for which the petitioner has approached this Court under Article 226 of the Constitution.

3. Mr. Parlov, the learned counsel appearing on behalf of the respondents duly submitted that the Commissioner, Panchayat and Rural Development Department may be directed to carry out the verification as to the entitlement of the petitioner within a time-frame.

4. Taking into account the above submission and the categorical admission by the Block Development Officer, Hailakand, this Court disposes of the instant writ petition with a direction to the Commissioner, Panchayat and Rural Development Department to carry out the verification as to whether the petitioner is entitled to the amount of Rs.39,78,455/- and upon making necessary verification, if it is found that the petitioner is entitled to, the said amount be paid to the petitioner. The said exercise be completed within a period of four months from the date of a certified copy of the instant order is submitted to the Commissioner, Panchayat and Rural Development Department.

JUDGE