

GAHC010012992021



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

Case No. : WP(C)/954/2021

SARANGA DAS
S/O- LT. DHANANJAY DAS, R/O- FLAT NO. 3-F, KIRANMOYEE APARTMENT,
BEHIND DOWN TOWN HOSPITAL, MATHURANAGAR, P.O. DISPUR, GHY-06

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 SECRETARY 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 COMMISSIONER OF POLICE
GUWAHATI
ASSAM

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

9:THE MOTOR TRANSPORT OFFICER (M.T.O.)
KAMRUP (M)
ASSA

For the petitioner (s) : Mr. L. Mohan, Advocate
Mr. A. Hussain, Advocate

For the respondent (s) : Mr. J. Handique, Advocate

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

11.09.2023

The instant writ petition has been filed by the petitioner seeking a direction upon the respondent authorities to pay the petitioner an amount of Rs.1,26,58,516/- which is due to the petitioner on the basis of the vehicle hired from him by the respondent Department.

2. It is the claim of the petitioner as could be seen from the perusal of the writ petition that the petitioner is the owner of various vehicles, the details of which is mentioned in paragraph No.2 of the writ petition. The respondent Department has taken on hire the vehicles of the petitioner

during the period from 2016-2019 and on the basis of which the petitioner claims an amount of Rs.1,26,58,516/-. The basis of the claim of the petitioner could be seen from the paragraph No.5 of the writ petition wherein the details of the bills have been mentioned. It is on account of non-payment of the said dues inspite of the petitioner approaching the respondent authorities time and again, the petitioner has approached this Court under Article 226 of the Constitution.

3. The record reveals that notice was issued by this Court on 19.02.2021 and today the matter has been again listed thereafter.

4. Mr. J. Handique, the learned counsel appearing on behalf of the respondents submits on the basis of the instructions dated 01.06.2021 wherein it has been mentioned that various bills of the petitioner have been sent to the sanctioning authority for onward payment to the petitioner. Mr. J. Handique, the learned counsel for the respondents further submits that he has no knowledge as to whether the said amount has been paid to the petitioner in the meantime or not.

5. The learned counsel for the petitioner, however, submits that as per his instructions, no payment has been received by the petitioner.

6. Be that as it may, the question is as to whether the petitioner is entitled to the amount of Rs.1,26,58,516/- or to any other amount from the respondents on account of the hire charges of the vehicles is a question of fact which would require the authorities to make necessary verification.

7. This Court, however, cannot be unmindful of the fact that if the respondent authorities have taken the vehicles of the petitioner on hire,

the said amount also cannot be withheld by the respondent authorities at its sweet will.

8. Considering the above, this Court, therefore, disposes of the instant writ petition thereby directing the respondent No.4 either by himself or through any officer under him to make necessary verification as to the entitlement of the petitioner and if it is found that the petitioner is entitled to any amount, the said amount be paid to the petitioner. This Court further clarifies that if upon verification it is found that any amount has been paid, the same would not be required to be paid to the petitioner again. The said exercise be completed within a period of 3 (three) months from the date a certified copy of the instant order is served upon the respondent No.4.

10. The instructions so submitted by Mr. J. Handique, the learned counsel for the respondents is kept on record and marked with the letter "X".

JUDGE

Comparing Assistant