

GAHC010049032022



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

Case No. : WP(C)/1827/2022

MASTUFA AHMED LASKAR
S/O- AZIR UDDIN LASKAR, R/O- RABINDRA SARANI ROAD, WARD NO-2,
P.O AND P.S- HAILAKANDI, DIST- HAILAKANDI, ASSAM, PIN-788151

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO
GOVT. OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
JURIPAR
PANJABARI
GUWAHATI-37

3:THE DEPUTY COMMISSIONER

CUM DISTRICT PROGRAMME COORDINATOR (MGNREGA)
HAILAKANDI
ASSAM

4:THE CHIEF EXECUTIVE OFFICER

ZILLA PARISHAD
HAILAKANDI
ASSAM

5:THE PROJECT DIRECTOR
ZILLA PARISHAD
HAILAKANDI

ASSAM

6:THE BLOCK DEVELOPMENT OFFICER
CUM PROGRAMME OFFICER
MGNREGA
HAILAKANDI DEVELOPMENT BLOCK HAILAKANDI
ASSA

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 07-06-2023

Heard Mr. K.Mira, learned counsel for the petitioner. Also heard Mr. N. Borah, learned counsel for the respondent Nos. 1, 2, 3, 4, 5 and 6 and Mr. S. Baruah, learned Govt. Advocate appearing for respondent No. 3, who is also the District Programme Coordinator (MGNREGA), Hailakandi.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner is alleging non-payment of supply of raw material required for implementation of scheme under MGNREGA on the basis of supply order dated 25.9.2017 issued by the Accredited Engineer, Hailakandi Development Block addressed to the Block Development Officer/ Programme Officer, Hailakandi Development Block.

3. The petitioner claims that the concerned Junior Engineers have received the materials supplied by the petitioner and the supply bills were uploaded in the concerned website of MGNREGA on 01.04.2018 and it is projected that the Asstt. Engineer, Hailakandi, Development Block and the Block Development

Officer, Hailakandi Development Block have admitted the dues of the petitioner to the extent of Rs. 10,13,546/-. It is also projected that although the petitioner was pressing hard for the release of his due payment, the Block Development Officer, Hailakandi Development Block, by a communication bearing No. HDB 238/MGNREGA/2019-20 dated 07.07.2021, informed the Commissioner, P&RD Department, Assam that although five numbers of MGNREGA scheme for the year 2018-19 under the Hailakandi Development has been executed and the materials bills had uploaded in the website by the CA, but the detailed project report had not been uploaded in the website and as a result of which the Block Development Officer could not release the payment against the schemes.

4. The learned Standing Counsel for the respondents has submitted that he has not yet received any instructions.

5. Having noted that the Block Development Officer and the Asstt. Engineer of Hailakandi Development Block have jointly admitted the dues of the petitioner vide documents annexed to this writ petition as Annexure-5 series and further having noted that the bills were not paid because of the reason that till 07.07.2021, the concerned officers of the respondents had not uploaded the detailed project report, which was the only cause for not releasing of the payment.

6. Under such circumstances, the Court is inclined to provide that the respondent authorities shall examine the claim of the petitioner within the period of 1(one) month from the date of service of a certified copy of this order before the Block Development Officer, Hailakandi Development Block and if such payment found due to the petitioner, the same shall be released within a period of 2(two) months thereafter. In other words the enquiry and payment shall be

made to the petitioner within 3(three) months from the date of furnishing a certified copy of this order to the B.D.O.

7. Accordingly, this writ petition stands allowed to the extent as indicated above.

8. There shall be no order as to cost.

JUDGE

Comparing Assistant