

GAHC010054602021



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

Case No. : WP(C)/2082/2021

HAREN PHUKAN
S/O- SRI JITEN PHUKAN, R/O- NO. 1 HILOIDARI, P.O. AND P.S.
DHAKUAKHANA, DIST.- LAKHIMPUR, ASSAM, PIN- 787055

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY CHIEF SECRETARY, ASSAM SACHIBALAYA, DISPUR, GHY-06

2:THE SUB-DIVISIONAL OFFICER (CIVIL)
DHAKUAKHANA
LAKHIMPUR
ASSAM
PIN- 78705

For the petitioner (s) : Mr. N. Baruah, Advocate

For the respondent (s) : Ms. S. Sarma, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

13.10.2023

The instant writ petition has been filed by the petitioner challenging the inaction on the part of the respondent authorities in releasing the outstanding hiring charges of his vehicle amounting to Rs.2,05,700/to which

the petitioner is entitled to upon hiring his vehicle by the Respondent No.2 i.e., the Sub-Divisional Officer (Civil), Dhakuakhana.

2. The case of the petitioner herein is that the petitioner was the owner of the vehicle bearing Registration No.AS-07/F3534 (Bolero A.C). His vehicle was taken on hire charges by the Respondent No.2 i.e., the Sub-Divisional Officer (Civil), Dhakuakhana on 17.2.2017, 21.2.2017, 27.2.2017, 04.3.2017, 29.3.2017 to 16.4.2017, 02.6.2017 to 26.6.2017, 27.6.2017 to 18.7.2017, 19.7.2017 to 08.8.2017, 22.8.2017 to 20.9.2017 respectively on condition that the hire charges shall be paid on submission of bills in duplicate on completion of the duty for which the vehicle is hired. After completion of the respective duties, the petitioner has submitted the bill before the concerned authority i.e., Respondent No. 2 as per the conditions mentioned in the requisition letters issued by the Respondent No.2 but the respondent No.2 did not pay the outstanding bill amount after submission of the bill for the same. The petitioner submitted several representations to the Respondent, but no positive actions have been initiated by the Respondent No. 2 so far. It is under such circumstances, the instant writ petition has been filed.

3. Ms. S. Sarma, the learned counsel appearing on behalf of the respondents submits that the entitlement of the petitioner would be dependent upon further verification to be carried out by the respondent authorities. Upon perusal of the materials on record, this Court is of the opinion that if the petitioner is entitled to the amount as claimed, the State is required to pay the petitioner his dues. However, for the same, verification on the part of the respondent authorities would be required.

4. This Court, therefore, disposes of the instant writ petition with a direction upon the respondent authorities to verify as to whether any

outstanding amount on account of hiring the petitioner's vehicle is due. This Court further directs that upon verification, if it is found that the petitioner is entitled to, the amount claimed or such other amounts, the respondent authorities shall pay to the petitioner his the entitlement.

5. The said exercise be completed with a period of 6 (six) weeks from the date a certified copy of the instant order is served upon the respondent No.2.

JUDGE

Comparing Assistant