

GAHC010101892023



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

Case No. : WP(C)/2673/2023

BOBBY KAUR HANASPI @ BOOBY KAUR HANSEPI
S/O- LATE DARSHAN SINGH,
R/O- NATUN SARANIA NEAR KALI MANDIR, GANDHI BASTI, H/NO. 82,
VOLTAS LANE,
GUWAHATI, DIST. KAMRUP(M),
ASSAM, PIN- 781003.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER
AND SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI
DIST. KAMRUP(M).

3:THE COMMISSIONER OF POLICE
GUWAHATI
DIST. KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 04-10-2023

Heard Ms. M. Konyak, learned counsel for the petitioner and Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam for all the respondents.

2. The case of the petitioner projected in this writ petition is that he is the registered owner of 4 [four] nos. of vehicles bearing registration nos. [i] AS-01/ES-7984, [ii] AS-01/EK-5834, [iii] AS-01/BD-0082 & [iv] AS-01/JC-1528. It has been stated that the said 4 [four] vehicles were taken on hire basis by the office of the respondent no. 3 on different occasions and they were released subsequently. It has been stated that the petitioner had submitted the final bills towards hiring charges by taking into account the hiring charges fixed by the State Government towards hiring charges for different category of vehicles. It has been stated that aggrieved by non-release of the hiring amount totalling ₹ 22,70,682/- submitted through the final bills, the petitioner has to prefer the 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. 3 on 31.08.2023 stating *inter alia* that the hiring charges bills submitted by the petitioner were verified with the concerned records of the Motor Transport Branch of the Police Reserve, Guwahati. It has been averred that in the course of verification, it is found that altogether 12 nos. of hiring charges bills in respect of the 4 [four] vehicles bearing registration nos. [i] AS-01/ES-7984, [ii] AS-01/EK-5834, [iii] AS-01/BD-0082 & [iv] AS-01/JC-1528 were received from the petitioner and all those hiring charges bills were forwarded to the Sanctioning Authority after observing the required formalities, to accord sanction and allotment of fund against each proposal. It has been stated that the payment of the hiring charges bills are dependent upon the sanction and allotment of fund from the Sanctioning Authority. As no sanction for the entitled amount has been received from the Sanctioning Authority till date, the proposals are kept pending.

3.1. The respondent no. 3 has provided that the details of the bills forwarded to the Sanctioning Authority as under :-

Proposal No. 428-439 [RV] dated 13.07.2023					
Sl. No.	Vehicle No.	Type of Vehicle	Period		Amount
1.	AS-01/ES-7984	M/Scoco	01.07.2021	31.12.2021	Rs. 1,85,564.00
2.	AS-01/EK-5834	Bolero	01.07.2020	15.10.2020	Rs. 1,32,626.00
3.	AS-01-JC-1528	Bolero	01.01.2019	30.06.2019	Rs. 2,24,350.00
4.	AS-01-BD-0082	M/Van	01.07.2019	31.12.2019	Rs. 1,85,564.00
5.	AS-01-BD-0082	M/Van	01.01.2020	30.06.2020	Rs. 1,83,548.00
6.	AS-01-BD-0082	M/Van	01.07.2020	31.12.2020	Rs. 1,85,564.00
7.	AS-01-BD-0082	M/Van	01.01.2021	02.05.2021	Rs. 1,23,038.00
8.	AS-01-BD-0082	M/Van	01.07.2018	31.12.2018	Rs. 1,85,564.00
9.	AS-01-JC-1528	Bolero	01.07.2018	31.12.2018	Rs. 2,28,068.00
10.	AS-01-BD-0082	M/Van	01.01.2019	30.06.2019	Rs. 1,82,538.00
11.	AS-01-JC-1528	Bolero	01.07.2019	31.12.2019	Rs. 2,28,068.00
12.	AS-01-JC-1528	Bolero	01.01.2020	30.06.2020	Rs. 2,25,590.00

4. In the backdrop of the above fact situation, Mr. Gogoi, learned Additional Senior Government Advocate, Assam has submitted this writ petition can be disposed of with a direction to the respondent authorities to release the amount as per the Proposal no. 428-439 [RV] dated 13.07.2023 as expeditiously as possible, by indicating an outer limit. According to him, a period of 4 [four] months will be a reasonable time period for the respondent authorities to process, sanction and disburse the amount forwarded vide Proposal no. 428-439 [RV] dated 13.07.2023.

5. Ms. Konyak, learned counsel for the petitioner has agreed to the submission made by Mr. Gogoi, learned Additional Senior Government Advocate, Assam.

6. In view of the broad consensus arrived at the parties in the afore-stated manner, 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 ₹ 22,70,682/-, which is stated to be pending towards hiring charges of the afore-mentioned 4 [four] vehicles, as expeditiously as possible, but within an outer limit of 4 [four] months from the date of receipt of a certified copy of this order at the office of the respondent no. 3. It is accordingly ordered.

7. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant