

GAHC010131492021



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

Case No.: WP(C)/4308/2021

LASKAR INDUSTRIES AND ANR
REP. BY ITS PROPRIETOR SALEH AHMED LASKAR
VILL- DUDPATIL PART-VI
P.O. HATICHERRA
P.S. SILCHAR
DIST.- CACHAR
ASSAM

2: SALEH AHMED LASKAR
S/O- LT. SUJA UDDIN LASKAR
PROPRIETOR OF LASKAR INDUSTRIES
VILL- DUDPATIL PART-VI
P.O. HATICHERRA
P.S. SILCHAR
DIST.- CACHAR
ASSAM
VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REP. BY SECY. TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GHY-06

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
PANJABARI
GHY-37

3:THE DY. COMMISSIONER CUM DISTRICT PROGRAMME COORDINATOR
(MGNREGA)
CACHAR
ASSAM

4:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD

CACHAR
ASSAM
5:THE PROJECT DIRECTOR
ZILLA PARISHAD
CACHAR
ASSAM
6:THE ACCOUNT OFFICER
BORKHOLA DEVELOPMENT BLOCK
7:THE BLOCK DEVELOPMENT OFFICER
CUM PROGRAMME OFFICER
MGNREGA
BORKHOLA DEVELOPMENT BLOCK
CACHAR
ASSAM

For the petitioner (s) : Mr. M. J. Quadir, Advocate

For the respondent (s) : Mr. N. K. Debnath, Advocate

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

23.08.2023

The instant writ petition has been filed by the petitioner seeking a direction upon the respondent Nos.6 & 7 to release the amount of Rs.14,90,160/- 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 the Junior Engineer, P&RD Department had requested the petitioner who is a registered supplier under DRDA to supply materials for the various schemes as mentioned in Clauses (i) and (ii) of the paragraph No.6 to the instant writ petition for the financial year 2014-15 & 2015-16. The petitioner, accordingly, supplied the materials at the work site of the respective schemes and the

concerned Junior Engineer having received the same in full and good conditions made entry in the Measurement Book. The said Junior Engineer submitted the bills along with Measurement Book in the Office of the Borkhola Development Block. The Block Development Officer, thereupon after making necessary verification, approved the bills with a direction to his officials to do the needful for payment. The petitioner submitted that as per the verification so made by the Block Development Officer, the petitioner is entitled to an amount of Rs.14,90,160/- for supplying the materials by the petitioner. The petitioner thereupon approached the respondent authorities for making payment of the said amount. However, no payment has been made for which the petitioner has approached this Court under Article 226 of the Constitution.

3. Mr. N. K. Debnath, the learned counsel appearing on behalf of the P&RD Department duly submitted that the said admission of the petitioner's entitlement is made only by the Block Development Officer. He 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. Mr. N. K. Debnath, the learned counsel appearing on behalf of the P&RD Department has produced an instruction issued by the Chief Executive Officer, Cachar Zilla Parishad, Silchar which contains the parawise comments under the signature of the Chief Executive Officer, Cachar Zilla Parishad, Silchar. In the said parawise comments, it has been admitted by the Block Development Officer, Borkhola Development Block that an amount of Rs.14,90,160/- is outstanding and payable to the petitioner for the year 2014-15 & 2015-16.

5. Taking into account the above submission and the categorical admission by the Block Development Officer, Borkhola, 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.14,90,160/- 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

Comparing Assistant