

GAHC010150712021



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

Case No. : WP(C)/5272/2021

UPEN BORO

S/O- LT. TANU RAM BORO, R/O- VILL- JALUKBARI, P.O. TANGLA, DIST.-
UDALGURI, BTAD, ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM, PWD DEPTT., DISPUR, GHY-6

2:THE STATE FINANCE COMMISSION
GOVT. OF ASSAM
DISPUR
GHY-37

3:THE PRINCIPAL SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
P.O. AND DIST.- KOKRAJHAR
BTAD
ASSAM
PIN-

4:THE JOINT SECRETARY
BTC
KOKRAJHAR
P.O. AND DIST.- KOKRAJHAR
BTAD
ASSAM
PIN-

5:THE SUPERINTENDING ENGINEER
PWD (RANDB) CIRCLE BTC

KOKRAJHAR
P.O. AND DIST.- KOKRAJHAR
BTAD
ASSAM
PIN-

6:THE EXECUTIVE ENGINEER
DRDA
UDALGURI
P.O. AND DIST.- UDALGURI
BTAD
ASSAM
PIN-

7:THE DY. COMMISSIONER
UDALGURI
P.O. AND DIST.- UDALGURI
BTAD
ASSAM
PIN-

8:THE BLOCK DEVELOPMENT OFFICER
UDALGURI DEVELOPMENT BLOCK
P.O. AND DIST.- UDALGURI
BTAD
ASSAM
PIN-

9:THE JUNIOR ENGINEER
UDALGURI DEVELOPMENT BLOCK
P.O. AND DIST.- UDALGURI
BTAD
ASSAM
PIN

Advocate for the Petitioner : MR. N ALAM R K

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 29.05.2023

Heard Mr. A. Rahman, the learned counsel appearing on behalf of the petitioner. Mr. R. Dhar, the learned counsel appears on behalf of the respondent Nos. 1 & 7, Mr. A. Chaliha, the learned counsel appears for the respondent No. 2 and Mr. S. Bora, the learned counsel appears on behalf of the respondent Nos. 3 to 9.

2. The instant writ petition has been filed by the petitioner being aggrieved by the inaction on the part of the respondent authorities in not releasing the amount of Rs.20,00,000/- (Rupees Twenty lakhs) to which the petitioner claims to be entitled to on the basis of the work done in connection with the construction of CC Block Pavement road from Hatigarh Market to Beharbari village under Hatigarh VCDC under CD Fund for the year 2016-17.

3 The learned counsel for the petitioner submitted that the respondent No. 9 had conducted an inspection upon the successful completion of the work and prepared an inspection report with work completion certificate, utilization certificate etc certifying that the said construction work has been 100% completed as per the plan and estimate. In that regard the respondent No. 8 has also issued a letter dated 8/9/2017 to the respondent No. 3 requesting for the fund along with the Proforma Bill in respect to the said construction work successfully done by the petitioner. However, the said amount of Rs. 20,00,000/- (Rupees Twenty lakhs) has not been paid in spite of various representations made by the petitioners.

4. Mr. S. Bora, the learned counsel appearing on behalf of the respondent Nos. 3 to 9 submitted that on 15th of November, 2021 the Principal Secretary, Boroland Territorial Council had issued an order to verify all such works by conducting comprehensive audit, financial verification and physical verification wherever applicable against all contractual works at the Government level and further to

complete the whole exercise in this regard within six months from the date of the issue of the said order dated 15th of November, 2021. The learned counsel appearing for the respondent-BTC further submitted before this Court that on the basis of the order dated 15th of November, 2021 after necessary verification, if it is found that the petitioner's claims are admissible and after following all established norms the same shall be processed in accordance with law and as per the decision contained in **Tamsher Ali & Ors. Vs. State of Assam & Ors.** reported in **2008 (4) GLT 1.**

5. Taking into account the said order dated 15th of November, 2021, this Court therefore disposes off the instant writ petition with a direction upon the respondents of the Boroland Territorial Council to make necessary verification and upon such verification, if it is found that the petitioner has completed the work, the petitioner be paid his dues.

6. The said exercise be completed within a period of six months from the date a certified copy of the instant order is served upon the respondent No. 3.

JUDGE

Comparing Assistant