GAHC010155042022

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

Case No. : WP(C)/5270/2022

RAHIZ UDDIN
S/O- LT. GIASH UDDIN,
VILLAGE- MAJORTOP GAON,
P.O. TUKRA PARA, PIN- 781137,
KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, WATER RESOURCE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
ASSAM
CHANDMARI
GUWAHATI-3.

3:THE SUPERINTENDING ENGINEER

PALASHBARI TOWN PROTECTION CIRCLE

WATER RESOURCE DEPARTMENT
BHARALUMUKH
GUWAHATI-9.

4:THE EXECUTIVE ENGINEER
GUWAHATI WEST WATER RESOURCES DIVISION
BHARALUMUKH
GUWAHATI-9

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 22/09/2023

Heard Ms. S. G. Baruah, learned counsel for the petitioner. Also heard Ms. J. Gogoi, learned standing counsel, Water Resource Department.

2. It is submitted by the learned counsel for the petitioner that in response to the work order issued on 15.11.2012 vide reference no. GWD/TECH/NIT/M/2010-11/1 dated 25.11.2011 with regard to work "*A/E measures to protect B/Dyke on L/B from Gumi to Kalatoli at Goroimari Majortop area in between Ch. 27.80 km to Ch.31.90 Km"* and with reference to GWD/TECH/NIT/M/2010-11/1 dated 25.11.2011 issued on 19.11.2012 with regard to work "*A/E measures to protect B/Dyke on L/B from Gumi to Kalatoli at Goroimari Majortop area in between Ch. 27.80 km to Ch.31.90 Km"*, the petitioner was awarded the work and as per the schedule of the work order the work was duly completed to the satisfaction of the respondent authorities. However, the payments for works executed have not yet been released.

3. The learned counsel for the petitioner referring to Paragraph 6, Page-6 of the writ petition submits that a total bill value of Rs. 96,000/- (Rupees Ninety Six thousand) only and Rs.48,880/- (Rupees Forty Eight thousand Eight hundred Eighty) only has been left outstanding which has not been paid on account of the certain works allotted to him by the respondents. Although he had successfully completed the works allotted to him but the respondent authorities

have not paid the aforesaid amount, which according to the petitioner, is an admitted amount. Being aggrieved, the petitioner has therefore, approached this Court by filing this writ petition seeking a writ of mandamus.

4. There is no dispute raised by the respondents that the petitioners had in fact executed the works under the scheme. It is also the admitted position of fact that the outstanding bills could not be cleared due to the non-release of fund by the respondent authorities.

5. It is submitted by the learned Additional Advocate General appearing for the State of Assam that a bunch of writ petitions, where similar issues were raised have been disposed of by an order of this Court by order dated 27.09.2022 wherein the lead case was WP(C)/4734/2021. The said bunch of writ petitions was disposed of on the submissions of the learned Additional Advocate General, Assam on the basis of written instructions received that Supplementary Demands for Grants and Supplementary Appropriations for 2022-2023 were submitted in the last Assembly Sessions of Assam State Assembly, which took place in the month of 2022 and the schematic budget for the aforementioned scheme, both for the Brahmaputra Valley and Barak Valley, have been cleared by the Government of Assam. And on such submissions this Court had observed that the Government of India through the Ministry of Jal Shakti will release the amount on receipt of Supplementary budget from the State Government towards the disbursement of the outstanding dues of the writ petitioners.

6. Under such circumstances since budgetary provisions have been made, the writ petition was disposed of with the directions contained therein. It is submitted that in the present set of writ petitions, similar issues are involved and therefore these writ petitions can also be disposed of in terms of the

directions dated 27.09.2022 passed in WP(C)/4734/2021 and other connected writ petitions.

7. The order dated 27.09.2022 passed in by Co-Ordinate Bench have been carefully perused. It is seen that in view of the submissions made on behalf of the State of Assam that budgetary provisions have been made certain directions were issued to both the State as well as the central Government to release the dues payable to the petitioners. In that view of the matter, these writ petitions are also disposed of taking into consideration the submissions made by the learned Additional Advocate General, Government of Assam as well as taking note of the order dated 27.09.2022 passed in WP(C)/4734/2021 and other connected bunch of writ petitions by a Co-Ordinate Bench of this Court.

8. In view of the above, these writ petitions are being disposed of with the following directions :-

(1) Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will communicate the supplementary budget passed in the last Assembly Session pertaining to the scheme to the competent authority of the Ministry of Water Resource Department, Government of India.

(2) Within 60 (sixty) days from the date of receipt of such communication, the Ministry of Water Resource Department to release the amount due under the schemes to the concerned Department of the Government of Assam.

(3) Upon receipt of the amount, bills of the writ petitioners shall be processed and cleared within a further period of 45 days.

9. In view of the directions issued herein above, the respondents to complete

the entire process within a period of four months from today.

10. Writ petition is accordingly disposed of.

11. No order as to cost.

JUDGE

Comparing Assistant