

GAHC010166922021



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

Case No. : WP(C)/5560/2021

SABBIR AHMED CHOUDHURY
SAKAT ALI CHOUDHURY, VILL. NARAINPUR PART-II, P.O. CHANDPUR
WEST, P.S. HAILAKANDI, DIST. HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECY. TO GOVT. OF
ASSAM,PANCHAYAT AND RURAL DEPTT., DISPUR, GUWAHATI 6

2:THE PRINCIPAL SECY. TO GOVT. OF ASSAM

PANCHAYAT AND RURAL DEPTT.
DISPUR
GUWAHATI 6

3:THE DEPUTY COMMISSIONER

HAILAKANDI
P.S. AND DIST. HAILAKANDI
ASSAM.

4:THE CHIEF EXECUTIVE OFFICER

ZILLA PARISHAD
HAILAKANDI
P.S. AND DIST. HAILAKANDI
ASSAM.

5:THE BLOCK DEV. OFFICER
HAILAKANDI DEVELOPMENT BLOCK
DIST. HAILAKANDI

ASSAM.

6:THE PRESIDENT
NARAINPUR TUPKHANA G.P. OFFICE
P.O. NARAINPUR
DIST. HAILAKANDI
ASSAM.

7:THE SECY.

NRAINPUR TUPKHANA
G.P. OFFICE
P.O. NARAINPUR
DIST. HAILAKANDI
ASSAM

For the Petitioner(s) : Mr. A. M. Barbhuiya, Advocate

For the Respondent(s) : Mr. S. Dutta, Advocate for P&RD

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 02.08.2023

1. The instant writ petition is filed by the Petitioner challenging the inaction on the part of the Respondent Authorities in releasing the dues to which the Petitioner is entitled to upon completion of the work allotted to him by the Block Development Officer, Hailakandi.
2. The case of the Petitioner herein is that the Petitioner supplied raw materials against a construction work of C.C. Road starting from Fakrul Hussain via Isub Ali to Dhonai Mia House at Narainpur Part II pertaining the year 2016-2017 under Narainpur-Tupkhana Gaon Panchayat, Assam. After the completion of the work, the Petitioner has submitted the completion report to the Respondent authorities.

3. The learned counsel appearing on behalf of the Petitioner submits that the Petitioner supplied raw materials of an amount of Rs.20,00,000/- and submitted the final bills for release of the said amount. A field level enquiry was conducted by the Respondent Authorities and a report was submitted by the Authority that the Petitioner is entitled to an amount of Rs.15,34,748./-. It is the further case of the Petitioner that the utilization certificate of the Accredited Engineer of the work reflected that the work was properly done. Therefore, the learned counsel for the Petitioner submits that the Petitioner is entitled to an amount of Rs.20,00,000/-. It is on account of the non-payment of the dues, the Petitioner has approached this Court.

4. Mr. S. Dutta, the learned counsel appearing on behalf of the Respondents submitted that there is no denial to the fact that the supply order in question was issued to the Petitioner. The learned counsel for the Respondents however submitted that the entitlement of the Petitioner would be dependent upon verification to be carried out by the Respondent Authorities.

5. Upon perusal of the materials on record, this Court is of the opinion that if the Petitioner had supplied the materials, the Petitioner would be entitled to the amount so entitled. However, for the same, verification on the part of the Respondent Authorities would be required.

6. This Court further finds it relevant to observe that the Petitioner claims that he supplied materials of the value of Rs.20,00,000/- (Rupees twenty lakhs only) and the verification report enclosed as Annexure-7 shows that the entitlement of the Petitioner is Rs.15,34,748/-. This Court in exercise of the writ jurisdiction cannot decide as to whether the Petitioner would be entitled to Rs.20,00,000/- or Rs.15,34,748/-. Taking into consideration of the above, this Court directs the Respondent Authorities to verify the entitlement of the

Petitioner and the Respondent Authorities if upon verification finds that the Petitioner is entitled to any amount, the same be paid to the Petitioner.

7. The said exercise be completed within a period of 6 (six) months from the date a certified copy of the instant order is served upon Chief Executive Officer, Hailakandi.

8. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant