

GAHC010171272022



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

**Case No. : WP(C)/5628/2022**

UTTAM SAHA  
S/O LATE RAIMOHAN SAHA, R/O SHANTINAGAR, WARD NO. 3, P.O. AND  
P.S.-KOKRAJHAR, DIST-KOKRAJHAR, PIN-783370

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVT. OF  
ASSAM, PUBLIC HEALTH AND ENGINEERING DEPARTMENT, DISPUR,  
GUWAHATI-06

2:THE CHIEF SECRETARY  
BTC  
KOKRAJHAR  
PIN-783370

3:THE SECRETARY  
PUBLIC HEALTH AND ENGINEERING DEPARTMENT  
BTCA  
KOKRAJHAR  
PIN-783370

4:THE DIRECTOR  
PUBLIC HEALTH AND ENGINEERING DEPARTMENT  
BTCA  
KOKRAJHAR  
PIN-783370

5:THE ADDL. CHIEF ENGINEER (PHE)  
CUM DIRECTOR  
PUBLIC HEALTH AND ENGINEERING DEPARTMENT  
BTCA

KOKRAJHAR  
PIN-783370

6:THE EXECUTIVE ENGINEER (PHE)  
BAKSA DIVISION  
MUSHALPUR

7:THE ASSISTANT EXECUTIVE ENGINEER (PHE)  
MUSHALPUR SUB-DIVISION  
MUSHALPUR  
PIN-78337

**Advocate for the Petitioner** : MR. J KALITA

**Advocate for the Respondent** : SC, P H E

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 21.06.2023**

Heard Mr. J. Kalita, the learned counsel for the petitioner. Also heard Mr. S. Chetia, the learned standing counsel for the respondent No. 1 and Ms. R.B. Bora, learned standing counsel for the respondent nos. 2 to 7.

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.15,26,977/- (Rupees fifteen lakh twenty six thousand nine hundred seventy seven only) to which the petitioner claims to be entitled to on the basis of the work done in connection with construction of Mini Water Supply Scheme at different village GP, Habitation under Baksa (PHE) Division at village Pakalagi, Habitation Pakalagi, GP Rupahi, Block Jalah under NRDWP for the year 2013-14.

3. The learned counsel for the petitioner submitted that the respondent No. 7 had conducted an inspection upon the successful completion of the work and prepared an inspection report with work completion certificate, accompanying forwarding letter dated 13.03.2020 (Annexure-A2). However, the said amount of Rs.15,26,977/- (Rupees fifteen lakh twenty six thousand nine hundred seventy seven only) has not been paid to the petitioners.

4. Mr. R.B. Bora, the learned counsel appearing on behalf of the respondent Nos. 2 to 7 submitted that on 15<sup>th</sup> 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 15<sup>th</sup> of November, 2021. The learned counsel appearing for the respondent-BTC further submitted before this Court that on the basis of the order dated 15<sup>th</sup> 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 15<sup>th</sup> 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**