

GAHC010178882022



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

**Case No. : WP(C)/5828/2022**

MAUSUMI SAHA  
D/O- SUBAL CH. SAHA,  
RESIDENT OF NETAJI NAGAR,  
P.O. AND P.S. BONGAIGAON,  
DIST- BONGAIGAON, PIN- 783380.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, HOME AND  
POLITICAL DEPARTMENT TO THE GOVERNMENT OF ASSAM, DISPUR,  
GUWAHATI- 781006.

2:THE BODOLAND TERRITORIAL COUNCIL  
REPRESENTED BY THE PRINCIPAL AND SECRETARY  
KOKRAJHAR- 783370.

3:THE SUPERINTENDENT OF POLICE  
CHIRANG  
DISTRICT- CHIRANG  
PIN- 783385.

4:THE MOTOR TRANSPORT OFFICER  
POLICE RESERVE  
CHIRANG  
DISTRICT- CHIRANG  
BTC  
ASSAM  
PIN- 783375

**Advocate for the Petitioner : MR. U K NAIR**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE NANI TAGIA**

**ORDER**

**Date : 19.06.2023**

Heard Mr. A. Boro, learned counsel for the petitioner and Mr. S. Baruah, learned Government Advocate, Assam for the respondent Nos. 1 and 3. Also heard Mr. R. K. Mushahary, learned counsel for the respondent Nos. 2 and 4 as well as Mr. B. Gogoi, learned counsel for the respondent No. 5.

This writ petition has been filed seeking a direction to the respondents to pay an amount of Rs. 25,51,154/- to the petitioner, being the requisition bill amount payable to the petitioner for hiring the petitioner's vehicle (Bolero), bearing registration No. AS-19-AC-0207, by the Motor Transport Officer (MTO), Police Reserve, Chirang, under the jurisdiction of the Superintendent of Police, Chirang, respondent No. 3 herein, for the period from 13.02.2017 to 31.07.2022.

The respondent No. 3 has filed a counter-affidavit, wherein in paragraph Nos. 5 and 6, it has been stated as follows:-

*“5. That with regard to the statements made in paragraph 5 of the petition, I say that it is a matter of records that the petitioner submitted Requisition Bill of Rs. 25,51,154/- (Rupees Twenty Five Lakh Fifty One Thousand One Hundred Fifty Four Only) in respect of her aforesaid hired Bolero Vehicle for the period w.e.f. 13.02.2017 to 31.07.2022 at the office of the Superintendent of Police, Chirang through M.T.O. Police Reserve Chirang and the details of the Requisition Bills reflected in the writ petition are found correct and true as per records*

*available in this office except the total amount of Requisition Bills of the petitioner i.e. Rs.25,51,154/- which should be Rs. 25,49,937/- (Rupees Twenty Five Lakh Forty Nine Thousand Nine Hundred Thirty Seven only). The discrepancy of the total amount arises due to wrong calculation against the head Add AGST/VAT....5%" on the part of the petitioner recorded at Page 31 annexed to the writ petition in respect of her Bolero vehicle for the period w.ef. 01/04/2019 AM to 31/07/2019 PM. The petitioner in the said head at page 31 of the annexed documents of the writ petition wrongly recorded the AGST/VAT against the total amount Rs. 1,20,780/- as Rs. 7,259.00/- instead of Rs. 6,039/-*

*6. That with regard to the averments made in paragraphs 6, 8 and 9 of the petition, I say that it is a fact that the petitioner approached this office for releasing the said Requisition Bill amount of Rs. 25,51,154 (Rupees Twenty Five Lakhs Fifty One Thousand One Hundred Fifty Four Only) in respect of her aforesaid hired Bolero Vehicle for the period w.e.f. 13.02.2017 to 31.07.2022. In this regard, I further beg to state that pursuant to receipt of various Requisition Bills from the petitioner, the same were verified with the records of this office and then the bills were forwarded along with relevant papers to the Assam Police Headquarters, Assam, Ulubari, Guwahati seeking sanction of pending liabilities against the outstanding dues in respect of the said Requisition Bills for the period 13.02,2017 to 31.07.2022. But till date the sanctions in respect of the said bills are not received from the concerned authority of Assam Police Headquarters, Assam, Ulubari, Guwahati. However, I have sent a reminder letter to the concerned authority for accord of sanction against the pending bills of the petitioner at the earliest.*

On perusal of the paragraph Nos. 5 and 6 of the counter affidavit filed by the respondent No. 3, it is noticed that respondent No. 3, under whose instruction the MTO had hired the petitioner's Bolero vehicle, has not denied the

liabilities to pay to the petitioner the aforesaid requisition bill amount for the period from 13.02.2017 to 31.07.2022. However, the respondent No. 3 in the counter affidavit further stated that the requisition bill amount should be Rs.25,49,937/- and not Rs. 25,51,154/-. It is also seen that the relevant papers for sanction of the aforesaid amount has been sent to the Assam Police Headquarter, Ulubari, Guwahati for discharging all liabilities of the outstanding dues payable to the petitioner, as stated above.

In view of the above, this writ petition stands allowed with a direction to the respondents, more particularly, the respondent No. 3, the Superintendent of Police, Chirang to pay to the petitioner a sum of Rs.25,49,937/-, being the amount payable to the petitioner on account of the requisition of the petitioner's vehicle, bearing registration No. AS-19-AC-0207, for the period from 13.02.2017 to 31.07.2022 within a period of 4 (four) weeks from the date of receipt of a certified copy of this order.

In terms of the above, this writ petition is disposed of.

**JUDGE**

**Comparing Assistant**