

GAHC010181822023



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

Case No. : WP(C)/4829/2023

MD. ANOWAR HUSSAIN
SON OF LATE JABBAR ALI,
RESIDENT OF VILLAGE- SANIADI, HAJO,
P.O.- SANIADI, P.S.- HAJO,
DISTRICT- KAMRUP (RURAL),
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
GOVERNMENT OF ASSAM,
HOME AND POLITICAL DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE PRINCIPAL SECRETARY TOTHE GOVT. OF ASSAM
STATE HOME DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
DISTRICT- KAMRUP
ASSAM

For the Petitioner (s) : Mr. L. Mohan, Advocate.

For the Respondent (s) : Mr. G. Bokalia, Jr. Govt. Advocate.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

18.11.2023

The instant writ petition has been filed by the Petitioner claiming an amount of Rs.53,96,669/- from the Respondent Authorities.

2. From the facts narrated in the writ petition, it transpires that the Petitioner is the owner of various type of vehicles and the Respondent Authorities, more particularly the Respondent No. 4 had taken on hire the vehicles of the Petitioner bearing registration Nos. AS01/HC-6500, AS-25/J-0001, AS01/HC/6697 and AS18/C/6619 during the period from 2021 to 2023. It is the claim of the Petitioner that on account of hiring of the said vehicles, the Petitioner is entitled to an amount of Rs.53,96,669/-. The Petitioner have enclosed to the instant writ petition various bills which were duly submitted to the Respondent Authorities. However, the said amount having not been paid, the Petitioner have therefore approached this Court by filing the instant writ petition.

3. This Court vide an order dated 25.08.2023 had issued notice making it returnable by 4 weeks and further observed that pendency of the writ petition shall not be a bar for the Respondent Authorities to consider and examine the claim of the Petitioner and thereafter to disburse the amount claimed or any other amount if the Petitioner is found entitled to.

4. Today, Mr. G. Bokalia, Junior Government appearing on behalf of all the Respondents duly submits that the entitlement of the Petitioner would depend upon verification of the various bills and as to whether the vehicles of the

Petitioner were at all hired. He further submits that it is only upon completion of the necessary verification that the Petitioner's entitlement can be ascertained and thereafter the said payment would be made.

5. This Court upon giving an anxious consideration to the submission of the learned counsel is of the opinion that if the Petitioner's vehicle were hired, the Petitioner would be entitled to the hiring charges as per the Government rates. However, the fact as to whether the Petitioner's vehicle were at all hired and how much the Petitioner would be entitled to, would be subject to verifications to be conducted by the Respondent No.4.

6. Taking into account the above, this Court therefore disposes the writ petition with a direction to the Respondent Authorities and more particularly to the Respondent No. 4 to make necessary verification as to whether the Petitioner's vehicle were at all hired and if so as to how much the Petitioner would be entitled to. This Court further directs that in the eventuality after carrying out the necessary verification, it is found that the Petitioner is entitled to the amount of Rs.53,96,669/ or any part thereof, the same be paid to the Petitioner. The said exercise shall be completed within a period of 6 months from the date a certified copy of the instant order is served upon the Respondent No. 4.

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

JUDGE

Comparing Assistant