

GAHC010183702022



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

Case No. : WP(C)/6022/2022

ALIM UDDIN
S/O- ABDUL KADIR,
R/O- DHALCHERRA FOREST VILLAGE,
P.S.- LALA,
DIST- HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, FOREST DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM
PANJABARI
GUWAHATI- 37.

3:THE ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (T)
LOWER ASSAM ZONE
KACHARIGHAT
GUWAHATI-1.

4:THE CHIEF CONSERVATOR OF FORESTS

SOUTHERN ASSAM CIRCLE
SILCHAR- 788001.

5:THE DIVISIONAL FOREST OFFICER

HAILAKANDI DIVISION
HAILAKANDI- 788151.

6:THE RANGE OFFICER OF MATIJURI FOREST RANGE
MATIJURI
HAILAKANDI- 788155.

7:THE DEPUTY COMMISSIONER
HAILAKANDI
PIN- 788151

For the Petitioner(s) : Mr. N. H. Laskar, Advocate

For the Respondent(s) : Mr. K. P. Pathak, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 19.07.2023

1. The instant writ petition has been filed by the Petitioner being aggrieved by the non-payment of the contractual bill of the Petitioner to the tune of Rs.25,60,000/- for labourers wages and Rs.60,000/- for Bamboo Rhizomes.
2. The case of the Petitioner herein is that the Respondent No.5 i.e. the Division Forest Officer, Hailakandi Division vide an order dated 03.07.2021 asked the Petitioner to supply 5000 numbers of local bamboo stump for planting in the covered Mizo encroached area at Kachurthal – Balicherra area under Matijuri Range. Thereupon, the Respondent No.6 i.e. the Range Officer, Matijuri Range issued a work order on 05.07.2021 in favour of the Petitioner for engagement of daily labourer for creation of 200 Hectors Mixed Teak Plantation at Kachurthal – Balicherra area in 4 (four) blocks within Inner Line R.F. under Matijuri Range immediately. It was also mentioned that the payment of wages will be paid against M. Roll after receipt of the fund. Subsequent thereto, on 07.07.2021, the

Respondent No.6, i.e. the Range Officer of Matijuri Range gave a receipt copy to the Petitioner that 2000 nos. of Bamboo Rhizomes were received by the Office of the Respondent No.6.

3. The learned counsel for the Petitioner further stated that on 26.07.2021, the Respondent No.6 issued a letter to the Respondent No.5 stating inter alia that 6,400 numbers of daily labourers were engaged in creation of 200 Hectors Mixed Teak Plantation at Kachurthal – Balichera area in 4 blocks with Inner Line R.F. under Matijuri Range. It was also mentioned that the advance works and planting etc. have been completed in 200 Hectors plantation. It is the further case of the Petitioner that in spite of such letter being written and the work being completed, the Respondent Authorities have not made payment to the Petitioner for which a notice was also issued to the Respondents.

4. It has also been mentioned that the Respondent No.2 after receipt of the notice, issued a letter to the Respondent No.5 for furnishing a detail report in the matter but till the date of filing of the writ petition, there has been no payment made to the Petitioner for which the Petitioner has approached this Court by filing this writ petition. It appears on record that this Court had issued notice on 14.09.2022. Till date, the Respondents have not filed any affidavit.

5. I have heard the learned counsels for the parties. Mr. K. P. Pathak, the learned counsel appearing on behalf of the Forest Department submits that the fact as to whether the Petitioner has actually completed the work is required to be verified and it is only upon proper verification, the actual entitlement of the Petitioner could be ascertained.

6. Upon hearing the learned counsels for the parties, this Court is of the opinion that the entitlement of the Petitioner as claimed in the instant writ

petition would depend upon verification to be carried out by the Respondent Forest Department to the effect as to whether the Petitioner has duly completed the work and to what extent. This verification has to be made in the level of the Respondent Nos. 2, 5 and 6.

7. Accordingly, this Court therefore disposes of the instant writ petition with a direction to the Respondent Nos. 2, 5 and 6 to make necessary verification as to whether the Petitioner has duly completed the work in terms with the work order dated 03.07.2021 and 05.07.2021 and upon verification if it is found that the Petitioner is entitled to the amount claimed or such other amount as ascertained after verification, the said amount be paid to the Petitioner within a period of 4 (four) months from the date a certified copy of the instant order is served upon the Respondent No.2.

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

JUDGE

Comparing Assistant