

GAHC010189022022



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

Case No. : WP(C)/6130/2022

BAIDYA NATH RAY AND 2 ORS
S/O. MACHIDAL RAY, R/O. KHERONI, P.O. AND P.S. KHERONI, DIST. WEST
KARBI ANGLONG, ASSAM.

2: RITESH KUMAR RAY
NO.2 IS THE MINOR
SON OF SHRI BAIDYA NATH RAY WHO IS THE NEXT FRIEND OF THE
MINORS.

3: SHRI ADITYA KUMAR RAY
NO.3 IS THE MINOR
SON OF SHRI BAIDYA NATH RAY WHO IS THE NEXT FRIEND OF THE
MINORS

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY ITS COMMISSIONER AND SECY. HOME DEPTT., GOVT. OF ASSAM,
DISPUR, GUWAHATI-06.

2: COMMISSIONER AND SECRETARY
HOME DEPTT.
GOVT. OF ASSAM
DISPUR
GUWAHATI-06.

3: SUPERINTENDENT OF POLICE

SHANKAR DEV NAGAR
HOJAI.

4: THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTERS
ULUBARI

GUWAHATI
PIN - 78100

For the Petitioner(s) : Mr. J. Das, Advocate

For the Respondent(s) : Mr. N. Goswami, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 19.07.2023

1. The instant writ petition has been filed being aggrieved by the inaction of the Respondent Authorities in not making payment of an amount of Rs.16,18,609/- to which the Petitioners claims to be entitled to on the basis of the requisition of the Bolero vehicle bearing Registration No. AS-09-E-5744 from 01.03.2017 to 03.07.2021.
2. One Rekha Devi (since deceased) was the owner of a vehicle bearing Registration No. AS-09-E-5744. The Petitioner No.1 is the husband and the Petitioner Nos. 2 and 3 are sons of Late Rekha Devi.
3. The case of the Petitioners herein is that the vehicle of Late Rekha Devi bearing Registration No. AS-09-E-5744 was requisitioned by the Hojai DEF under the Assam Requisition and Control of Vehicles Act, 1968 w.e.f. 01.03.2017 and the vehicle was released by the M.T.O., Police Reserve, Hojai on 03.07.2021. The Petitioners claims an amount of Rs.16,18,609/- to which the Petitioners are entitled to on account of such requisition. Being aggrieved by the non-payment of the requisitioned amount, the Petitioners have approached the

Respondent Authorities however the Respondent Authorities turned deaf ear towards the requests of the Petitioners for which the Petitioners have filed the instant writ petition.

4. It appears on record that this Court had issued notice on 19.09.2022. Mr. N. Goswami, the learned counsel appearing on behalf of the State Respondents submitted on the basis of instructions dated 26.09.2022 whereby it has been admitted that the vehicle of the Petitioners was requisitioned for the period from 01.03.2017 and was released on 30.06.2021. It has also been mentioned that the total due compensation to which the Petitioners would be entitled amounts to Rs.18,51,798/-. The said instructions so handed over by the learned counsel for the Respondents is kept on record and marked with the letter "X".

5. Taking into account that the Respondent Authorities have duly admitted the requisition of the vehicle from 01.03.2017 to 30.06.2021 and have also admitted that the Petitioners are entitled to a compensation of Rs.18,51,798/-, this Court is of the opinion that it would be in the interest of justice that the direction be issued to the concerned Respondent Authorities for making payment of the said amount within a time frame. However, this Court cannot also be unmindful of the fact that there is a discrepancy in the amount so claimed in the petition inasmuch as the Petitioners have claimed an amount of Rs.16,18,609/- whereas the amount which have been admitted by the Respondent Authorities is an amount of Rs.18,51,798/-.

6. Taking into account the above, this Court therefore disposes of the instant writ petition with a direction to the Respondent No.4 to make verification as to what is the actual entitlement of the Petitioners and thereupon to make the payment of the entitlement to the Petitioners within a period of 3 (three)

months from the date a certified copy of the instant order is served upon the Respondent No.4. The Petitioners shall also furnish a next of kin certificate of Late Rekha Devi to the Respondent No.4 along with the certified copy of this order.

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

JUDGE

Comparing Assistant