

GAHC010226242021



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

Case No. : WP(C)/3743/2022

MANJU ALI SK
S/O DAFAR ALI SK, R/O VILL-SINGIMARI, P.O.-SAKTIASRAM, P.S.-
FAKIRAGRAM, DIST-KOKRAJHAR, ASSAM, PIN-783354

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT, GOVT. OF ASSAM,
DISPUR, GUWAHATI-06

2:THE DIRECTOR PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
GUWAHATI-28

3:THE DEPUTY COMMISSIONER
KOKRAJHAR
P.O. AND DIST-KOKRAJHAR (BTAD)
ASSAM
PIN-783370

4:THE PROJECT DIRECTOR DRDA
KOKRAJHAR
P.O. AND DIST- KOKRAJHAR (BTAD)
ASSAM
PIN-783370

5:THE BLOCK DEVELOPMENT OFFICER DOTMA DEVELOPMENT BLOCK
P.O. AND P.S.-DOTMA
DIST-KOKRAJHAR (BTAD)
ASSAM
PIN-783347

6:THE JUNIOR ENGINEER
DOTMA DEVELOPMENT BLOCK
P.O. AND DIST- KOKRAJHAR (BTAD)
ASSAM
PIN-78334

For the Petitioner(s) : Mr. M. A. Mandal, Advocate
For the Respondent(s) : Mr. S. R. Rabha, Advocate for BTC
: Ms. N. Borah, Advocate for P&RD

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 26.07.2023

1. The instant writ petition is filed by the petitioner challenging the inaction on the part of the Respondent Authorities in releasing the dues to which the Petitioner is entitled to upon completion of the work allotted to him by the Block Development Officer, Dotma Development Block, Kokrajhar.
2. The case of the Petitioner herein is that the Petitioner supplied Concrete Blocks, Cement Bags to the District Rural Development Agency, Kokrajhar for construction of Indira Gandhi Model Rural C.C. Pavement Road under the MGNREGA Scheme. The learned counsel for the Petitioner submitted that the materials were supplied to the department in 2014-2015 and the Petitioner has submitted a bill of an amount of Rs.9,47,500/-. However, out of the total bill amount, the Respondent Authorities has transferred only an amount of Rs.1,95,000/- to his bank account on 06.04.2017 and a balance of Rs.7,52,000/- remain unpaid to the Petitioner till date. It is under such circumstances, the

instant writ petition has been filed.

3. It has been alleged that the total sanctioned amount i.e. Rs.70,00,000/- for construction work have already been released by the Government to the concerned department but the Respondent Authorities have held up the payment of the Petitioner for the reasons best known to him.

4. Mr. S. R. Rabha, the learned counsel appearing on behalf of the Respondents submits that there is no denial to the fact that the work in question was not allotted to the Petitioner. The learned counsel for the Respondents however submits that the entitlement of the Petitioner would be dependent upon further verification to be carried out by the Respondent Authorities.

5. Upon perusal of the materials on record, this Court is of the opinion that if the Petitioner had completed the work in question, the Petitioner would be entitled to the amount as claimed. However, for the same, verification on the part of the Respondent Authorities would be required.

6. This Court, therefore, disposes of the instant writ petition with a direction to the Respondent Authorities to verify as to whether the Petitioner has supplied the Concrete Blocks, Cement Bags to the Department as per the allotment of the work and also as to whether the Petitioner had submitted requisite documents which are required for the purpose of releasing the amount claimed by the Petitioner.

7. This Court further directs that upon verification, if it is found that the Petitioner is entitled to, the Respondent Authorities shall pay to the Petitioner the entitlement to the extent of the supplies made by the Petitioner.

8. The said exercise be completed with a period of 6 (six) months from the date a certified copy of the instant order is served upon the Principal Secretary, BTC.

JUDGE

Comparing Assistant