

GAHC010238292023



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

Case No. : WP(C)/6198/2023

SANDIP GIRIA
S/O SAGAR MAL GIRIA R/O J D ROAD WARD NO. 5 P.O. AND KOKRAJHAR
PIN 783370

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP BY THE COMMISSIONER AND SECRETARY DEPTT OF HOME DISPUR
GUWAHATI 6

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI GUWAHATI ASSAM PIN-781007

3:THE BODOLAND TERRITORIAL COUNCIL
REP BY THE PRINCIPAL SECRETARY KOKRAJHAR

4:THE SUPERINTENDENT OF POLICE
KOKRAJHA

For the Petitioner(s) : Mr. A. Lal, Advocate

For the Respondent(s) : Mr. S. S. Roy, Standing counsel
: Mr. S. Bora, Standing counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 20.11.2023

1. The instant writ petition has been filed by the Petitioner challenging the inaction on the part of the Respondent Authorities in not releasing the dues to which the Petitioner is entitled to on account of the vehicles of the Petitioner were taken on hire by the Respondent Authorities.

2. It reveals from the records that the Petitioner owns four vehicles bearing Registration Nos. AS-16A/2277, AS-01BG/2277, AS-16F/1333 and AS-16B/9777. The said vehicles were taken on hire by the Superintendent of Police, Kokrajhar and the Petitioner duly submitted bills amounting to Rs.69,06,437/-. However as the said bills were not released on time, the Petitioner even submitted a notice. In spite of the said notice, the Respondents have not cleared the said amount of Rs.69,06,437/- for which the instant writ petition has been filed seeking the said amount along with interests and compensation.

3. The record reveals that this Court vide an order dated 18.10.2023 sought for the instructions as to whether the Petitioner is entitled to the said amount or not. It is further seen that an affidavit-in-opposition was filed by the Additional Superintendent of Police (HQ), Kokrajhar wherein at paragraph No.6, it has been mentioned that the competent authority had hired the vehicles from the Petitioner for the use of the Respondents in the interest of public service and maintaining the law and order situation. It was mentioned that as the Additional Superintendent of Police (HQ), Kokrajhar had no authority to sanction the hired charge bills and accordingly, all the hired charge bills were forwarded to the

Office of the Assam Police Headquarters, Ulubari, Guwahati on different dates through memos for necessary sanction and release of fund for total admissible amount of 89,47,953/-. It was further mentioned that the Petitioner had received an amount of Rs.18,83,663/-.

4. I have heard the learned counsels for the parties. This Court further finds it relevant to take note of the submission of Mr. S. S. Roy, the learned Government Advocate appearing on behalf of the Respondent State who submits that taking into account that the Petitioner have claimed an amount of Rs.69,06,437/- and in the affidavit filed by the Additional Superintendent of Police (HQ), Kokrajhar, it was stated that the Petitioner was entitled to an amount of Rs.89,47,953/- out of which an amount of Rs.18,83,663/- has been paid, the Respondent Authorities, more particularly the Respondent No.2 should be directed to verify the actual entitlement of the Petitioner. He submits that some time may be given for making verification and thereupon if it is found that the Petitioner is entitled to any amount, the said be paid to the Petitioner.

5. Taking into account the pleadings including the affidavit filed by the Additional Superintendent of Police (HQ), Kokrajhar, this Court is of the opinion that a verification would be required for ascertaining the actual entitlement of the Petitioner. Accordingly, this Court directs the Director General of Police, Ulubari either by himself or through his delegatee verify the actual entitlement of the Petitioner and thereupon if it is found that the Petitioner is entitled to the amount claimed or any part thereof, the same be released to the Petitioner.

6. The said exercise be completed within a period of 6 (six) months from the date of submission of a certified copy of the instant order to the Director General of Police, Ulubari, Guwahati.

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

JUDGE

Comparing Assistant