

GAHC010261652023



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

Case No. : WP(C)/6768/2023

MAHIRUDDIN AHMED
S/O- JUMAR ALI, PROPRIETOR OF M/S. ALLIED ENGINEERING
CONSTRUCTION CORPORATION, RESIDENT OF VILLAGE- SONAPUR, P.O.
MUGDI, DIST.- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, IRRIGATION DEPARTMENT, DISPUR,
GUWAHATI- 781006, ASSAM

2:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR

3:OFFICE OF THE BLOCK DEVELOPMENT OFFICER
JALAH DEVELOPMENT BLOCK
JALAHGHAT

4:EXECUTIVE ENGINEER
BONGAIGAON DIVISION (IRRIGATION)
BONGAIGAON

5:JUNIOR ENGINEER
JALAH DEVELOPMENT BLOCK
JALAHGHAT

6:THE ACCOUNTANT
JALAH DEVELOPMENT BLOCK
JALAHGHA

For the Petitioner(s)	: Mr. N. Anand, Advocate
For the Respondent(s)	: Mr. R. K. Mushahary, SC, BTC
	: Mr. P. Nayak, SC, Irrigation Department

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 24.11.2023

1. The instant writ petition has been filed by the Petitioner claiming an amount of Rs.20,00,000/- from the Respondent Authorities.
2. The facts as enumerated in the writ petition are that the Petitioner is a contractor by profession and is the proprietor of M/S Allied Engineering Construction Corporation. Pursuant to a tender process initiated on 01.03.2019 for construction of boundary wall with Land Development and Heavy Duty Iron Gate at the premises of Barmajra Bathou Sibishali near Mainao Bazar under C.D. (SOPD) fund for the year 2018-19, the Petitioner participated in the said tender process. The Petitioner completed the said work as per the Bidding terms and conditions and the specifications. However, the Petitioner is yet to be paid the said amount for which the Petitioner had submitted representation to the Respondent No.2 i.e. the Secretary to the Bodoland Territorial Council, Kokrajhar on 20.09.2023. It is the further case of the Petitioner that as the Petitioner has not received the said amount in spite of submitting the representation, the Petitioner is before this Court seeking for a writ of mandamus directing the Respondent Authorities to pay the amount of Rs.20,00,000/-.
3. I have heard Mr. R. K. Mushahary, the learned Standing counsel appearing on behalf of the BTC who submitted that as to whether the Petitioner had completed the said work or is entitled to any amount can only be ascertained after making necessary verifications and as such, a direction may be issued to the Respondent Authorities for making necessary verifications and upon verification, if it is found that the Petitioner is entitled to the amount claimed or

any part thereof, the said amount be paid to the Petitioner within a time frame.

4. Mr. P. Nayak, the learned Standing counsel appearing on behalf of the Irrigation Department submitted that as the said subject is a transferred subject and as such, it will be the BTC authorities who would be bound to make payment and not the Irrigation Department under the State of Assam.

5. Taking into account the above facts as appears from the writ petition as well as also the submission of the learned Standing counsels for the Irrigation Department and BTC, this Court disposes of the instant writ petition with a direction to the Secretary, Bodoland Territorial Council, Kokrajhar either by himself or through his delegatee to make verification as to the entitlement of the Petitioner and upon verification if it is found that the Petitioner is entitled to the amount claimed or any part thereof, the said be released to the Petitioner. It is further made clear that in the circumstances, after verification, it is found that the Petitioner is not entitled to any amount, the Respondent Authorities shall duly intimate the Petitioner and the reasons therefor.

6. The said exercise be completed within a period of 6 (six) months from the date a certified copy of the instant order is served upon the Secretary, Bodoland Territorial Council, Kokrajhar.

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

JUDGE

Comparing Assistant