

GAHC010004342023



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

Case No. : WP(C)/168/2023

BEAUTY ROY
C/O- TAPAN KUMAR DAS,
RESIDENT OF WARD NO.-15,
R.K. MISSION ROAD,
BIDYAPARA,
DISTRICT- DHUBRI, ASSAM,
PIN- 783324.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, ASSAM,
DEPARTMENT OF HOME AND POLITICAL,
GUWAHATI-6.

2:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
GUWAHATI-6.

3:DEPUTY COMMISSIONER
DHUBRI
ASSAM.

4:ADDITIONAL DEPUTY COMMISSIONER
DHUBRI
PIN- 783301.

5:SUPERINTENDENT OF POLICE
DHUBRI, PIN- 783301

Advocate for the Petitioner : MR. S K GHOSH
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

22-01-2024

Heard Mr. S. K. Ghosh, learned counsel for the petitioner. Also heard Mr. M. Chetia, learned Govt. Advocate appearing for respondent Nos. 1, 3, 4 & 5.

2. The case of the petitioner is that he own a vehicle bearing Registration No. AS 17 B 9058 (TATA SUMO) and the same was requisitioned by the respondent no. 4 on 01.09.2017 under Section 4 of the Assam Requisition & Control of Vehicle Act, 1968 for the purpose of using the said vehicle for maintaining of law and order and counter insurgency in the State of Assam with the rate fixed as per the Government Rule and the same was hired and used by the Office of the respondent no. 5. The vehicle was initially requisitioned for 30 days and thereafter extended from time to time on each and every months by issuing fresh requisition order. The said vehicle bearing Registration No. AS 17 B 9058 was requisitioned as Tourist Maxi Cab but subsequently the said vehicle was converted into a private vehicle in the year 2019 vide Registration No. AS 17 K 1071.

3. During the period of requisition of the vehicle the petitioner had submitted bills for each month including the daily allowances of the driver, but the respondent authority had not released the amount due to the petitioner from 01.09.2017 to 30.08.2022 amounting to Rs.19,36,130.00/-.

4. The respondent no. 5 by filing affidavit has fairly admitted that the vehicle of the petitioner bearing Registration No. AS 17 K 1071/AS 17 B-9058 (S/Gold) was requisitioned and it used for law and order duties *w.e.f.* 01.03.2020 to 30.06.2022 as per requisition order issued by competent authority.

5. The affidavit of the Government further stated that the petitioner had submitted bills to the authority every month after completion of duties, and the bills so received was duly checked and after completion of formalities as per Rules the bills were forwarded to the Police Headquarters, Assam Ulubari, Guwahati from time to time to obtain financial approval/budget for releasing the payments to the owner of vehicle. But till date the payment could not be released due to non-receipt of the sanction from the Police Headquarters.

6. In view of the above, and on the consent of the parties, this writ petition is disposed of by directing the respondent authorities more particularly the respondent no. 1 to verify and release the admitted amount of Rs. 19,36,130.00/- to the petitioner within a period of 3 (three) months from the date of receipt of the certified copy of this order.

7. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant