

GAHC010006172021



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

Case No. : WP(C)/513/2021

MANJU BIBI
W/O MD. ANOWAR HUSSAIN, R/O VILL. SANIADI, HAJO, P.O. SANIADI, P.S.
HAJO, DIST. KAMRUP (RURAL), ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. GOVT. OF ASSAM,
HOME DEPTT., DISPUR, GUWAHATI 6

2:THE ADDITIONAL CHIEF SECY. TO THE GOVT. OF ASSAM

HOME DEPTT. DISPUR
GUWAHATI 6

3:THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM

STATE HOME DEPTT.
DISPUR
GUWAHATI-6

4:THE DIRECTOR GENERAL OF POLICE

ASSAM. B.K. KAKATY ROAD
ULUBARI
GUWAHATI 7

5:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (ADMN)
ASSAM
B.K. KAKOTY ROAD
ULUBARI
GUWAHATI 7

6:THE ADDITIONAL INSPECTOR GENERAL OF POLICE (ADMN)
ASSAM

B.K. KAKOTY ROAD
ULUBARI
GUWAHATI-7

7:THE SUPERINTENDENT OF POLICE
KAMRUP (R)
AMINGAON
ASSAM.

8:THE DIST. MAGISTRATE CUM DEPUTY COMMISSIONER

KAMRUP (R)
AMINGAON
(LAW AND ORDER)
DIST. KAMRUP (R)
ASSAM.

9:THE MOTOR TRANSPORT OFFICER

KAMRUP (R)
ASSAM

Advocate for the Petitioner : MR. J I BORBHUIYA
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

03.01.2024

Heard Shri L. Mohan, learned counsel for the petitioner. Also heard Shri M. Chetia, learned State Counsel for the respondents.

2. It is the case of the petitioner that he is the owner of three vehicles bearing registration numbers – AS-01-DD-9250 (Water Tanker), AS-01-AY-9935 (Tata Sumo) and AS-25-D-6571 (Bolero) which was given on hire to the respondent authorities for the interest of public service and maintaining the law and order situation etc. The petitioner had accordingly raised bills of Rs.12,30,150/- (Rupees twelve lakhs thirty thousand and one hundred fifty) only

which, however has not been paid. The learned counsel for the petitioner has referred to the affidavit-in-opposition to establish that the amount in question is also admitted by the respondent authorities.

3. Shri M. Chetia, learned State Counsel submits that the amount in question is not disputed and in this regard, an affidavit-in-opposition has also been filed on 18.09.2021 by the respondent no. 7 – the Superintendent of Police, Kamrup (R), Amingaon. In the said affidavit-in-opposition, the paragraph 8 reads as follows:

“That with regard the statements made in paragraph 6 of the writ petition, the deponent begs to state that the liability is Rs.12,30,153/- payable to the petitioner.”

Further, in paragraph 9, a chart of the liability statement amounting to Rs.12,30,153/- (Rupees twelve lakhs thirty thousand and one hundred fifty three) has also been given.

4. On a perusal of the said affidavit-in-opposition and on considering the facts and circumstances, this Court is of the opinion that this writ petition can be disposed of in terms of the law laid down by the Full Bench of this Court in the case of ***Tamsher Ali & Ors. Vs. State of Assam and Others***, reported in ***2008 (4) GLT 1***. Accordingly, this writ petition is disposed of by directing the respondent authorities to take up the matter for release of the contractual bills to the petitioner by following the prescription laid down in the case of ***Tamsher Ali*** (supra).

JUDGE

Comparing Assistant