

GAHC010006372021



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

Case No. : WP(C)/405/2021

ANISUL ALAM LASKAR
S/O LATE ALA UDDIN LASKAR,
VILLAGE RANGPUR PART VII, PO RANGPUR, PS KATLICHERA, DIST
HAILAKANDI, ASSAM, 788151

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER, PANCHAYAT AND RURAL
DEVELOPMENT DEPARTMENT, ASSAM, PANJABARI, JURIPAR, GUWAHATI
37

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI 06

3:THE DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
PANJABARI
JURIPAR
GUWAHATI 37

4:THE CHIEF EXECUTIVE OFFICER
HAILAKANDI ZILLA PARISHAD CUM PROJECT DIRECTOR
DRDA
ASSAM 788151

5:THE BLOCK DEVELOPMENT OFFICER

HAILAKANDI DEVELOPMENT BLOCK
HAILAKAND

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent : SC, PNRD

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 03.06.2024

Heard Mr. K. A. Mazumdar, learned counsel for the petitioner and Ms. N. Bora, learned counsel for all the respondents.

2. The matter pertains to non-payment of contractual dues amounting to Rs. 31,69,432/-.

3. Ms. N. Bora, learned counsel for the respondents submits that as per the physical verification report made by the Junior Engineer, which was submitted to the Block Development Officer, Hailakandi Development Block, out of the petitioner's bills for supplying material for construction of PMGSY road to E & E Bund via the house of Arif Ahmed at village Gamgpar Dhumkar Part-IV of Narainpur Tupkhana GP under MGNREGA for the year 2016-2017, the value of which was Rs.39,79,034/-, the petitioner has been paid Rs.7,41,104/-. As such, the remaining balance amount payable to the petitioner is Rs.31,69,432/-. She submits that as the admitted amount has not been verified by the Head of the Department, in terms of the judgment of the Full Bench of this Court in the case of ***Tamsher Ali vs. State of Assam and others***, reported in ***2008 (4) GLT 1***, this writ petition can be disposed of, if a direction is issued to the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, to re-verify the amount payable to the petitioner.

4. On considering the submission made by the counsel for the respondents and keeping in view the judgment of the Full Bench of this Court in ***Tamsher Ali (supra)***, this Court directs the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, to re-verify the contractual dues payable to the petitioner. Thereafter, the admitted amount should be paid to the petitioner. The entire exercise should be concluded within a period of 4 (four) months from the date of receipt of a certified copy of this order.

5. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant