

GAHC010007902023



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

Case No. : WP(C)/615/2023

M/S H.R ENTERPRISE
REP. BY ITS PROPRIETOR NAMELY SRI PRANJAL PRATIM BARUAH, S/O-
RAJENDRA NATH BARUAH, OFFICE ADDRESS AT BHETAPARA, BELTOLA,
GHY-28, P.O. AND P.S. BASISTHA, DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, GHY-6

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6

3:THE DIRECTOR
SOCIAL WELFARE ASSAM
UZAN BAZAR
GHY-1

4:THE PRINCIPAL
ACCOUNTANT GENERAL
(A AND E)
MOIDAMGAON
BELTOLA
GHY-2

Advocate for the petitioner(s): Mr. JI Borbhuiya

Advocate for the respondent(s): Mr. Mr. R Dhar,

Government Advocate, Assam

Mr. B Gogoi

Standing Counsel, Finance Department

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

14.08.2024

Mr. JI Borbhuiya, the learned counsel appearing on behalf of the petitioner submits that the question as to whether the petitioner had paid the amount of Rs.60,68,000/- under duress and coercion of the respondent authorities is a question of fact which can only be established by way of a proceeding where evidence can be adduced. He submits that he may be permitted to withdraw the instant writ petition. He also submits that the withdrawal of the instant writ petition should not prejudice the writ petitioner to avail remedies by way of filing a civil suit.

2. Taking into account the above aspect, this Court closes the instant writ petition on withdrawal. However, liberty is granted to the petitioner to approach the Civil Court, if otherwise, permissible under the law.

JUDGE

Comparing Assistant