

GAHC010009522023



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

**Case No. : WP(C)/821/2023**

SOFIQL ISLAM  
S/O- LATE SHAKHBOR ALI,  
R/O- 22 COLLEGE ROAD, MOIRABARI,  
P.O AND P.S- MOIRABARI, VILL-MOIRABARI, DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE CHIEF ENGINEER, WATER RESOURCE DEPARTMENT  
CHANDMARI, GUWAHATI- 781003, ASSAM.

2:THE CHIEF ENGINEER

WATER RESOURCE DEPARTMENT  
CHANDMARI  
GUWAHATI- 781003  
ASSAM.

3:THE SUPERINTENDING ENGINEER

WATER RESOURCE DEPARTMENT  
NAGAON

4:THE EXECUTIVE ENGINEER  
MORIGAON  
WATER RESOURCE DIVISION  
MORIGAON

5:THE UNION OF INDIA  
REPRESENTED BY THE COMMISSIONER  
MINISTRY OF JAL SHAKTI DEPARTMENT OF WATER RESOURCES RIVER  
DEVELOPMENT AND GANGA REJUVENATION

NEW DELHI-110001

**Advocate for the Petitioner** : MR S BORTHAKUR

**Advocate for the Respondent** : SC, WATER RESOURCE

**BEFORE  
HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**13.05.2024**

**1.** Heard Mr. P.H. Konwar, learned counsel for the petitioner and Ms. A. Lodha, learned counsel for the respondent nos.1 to 4. Mr. P.S. Bhattacharjee, learned CGC appears for the respondent no.5.

**2.** Having regard to the nature of grievance projected by the petitioner, the writ petition is taken up for disposal at this stage.

**3.** It is the case of the writ petitioner that he was given 3 separate work orders on 27.01.2015, 15.05.2012 and 20.02.2015. Although some amount has been released to him but the amount of outstanding liability due to him is Rs.24,05,772/-. The respondent no.2, Chief Engineer, Water Resource Department, Government of Assam has filed an affidavit-in-opposition on 01.02.2024, wherein at paragraph 11 of the said affidavit it is stated that the total value of the work executed by the petitioner is Rs.28,35,681/- and out of which an amount of Rs.4,29,909/- has been released to him. Therefore, the balance amount of Rs.24,05,772/- as claimed by the petitioner is the outstanding dues.

4. Be it stated herein that a Full Bench of this Court in ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1*** has laid down certain procedure and guidelines for payment of the outstanding liability of the State Government. Therefore, considering the admission on the part of the respondent no.2 in the affidavit-in-opposition as reflected hereinabove, the writ petition is disposed of with a direction to the respondent no.4 to examine and verify the claim of the petitioner within a period of 4 (four) weeks from the date of receipt of a certified copy of this order. Upon such examination, if the claim amount is found to be genuine, the respondent authorities shall take appropriate steps in accordance with ***Tamsher Ali (supra)***, for release of the outstanding dues of the petitioner as expeditiously as possible. The petitioner shall along with a certified copy of this order submit a copy of the writ petition before the respondent no.4 for doing the needful.

**JUDGE**

**Comparing Assistant**