

GAHC010016362017



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

Case No. : WP(C)/1664/2017

KOKRAJHAR OMNI TOURIST VEHICLES OWNERS ASSOCIATION
A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT
HAVING ITS REGISTRATION NO. 2655 OF 1988-89, P.O.- KOKRAJHAR,
B.T.C.ASSAM, PIN- 783370, REP. BY ITS SECY., SHRI SUBRATA SEN, S/O- LT.
GOPAL CH. SEN.

VERSUS

THE STATE OF ASSAM and 8 ORS.
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
TRANSPORT DEPTT., DISPUR, GHY- 6, ASSAM.

2:THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
TRANSPORT DEPTT.
DISPUR
GHY- 6
ASSAM.

3:THE DY. COMMISSIONER
KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM.

4:THE DY. COMMISSIONER
BONGAIGAON
DIST.- BONGAIGAON
ASSAM.

5:THE DY. COMMISSIONER
CHIRANG
DIST.- CHIRANG
ASSAM.

6:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GHY- 7.

7:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM.

8:THE SUPERINTENDENT OF POLICE
BONGAIGAON
DIST.- BONGAIGAON
ASSAM.

9:THE SUPERINTENDENT OF POLICE
CHIRANG
DIST.- CHIRANG
ASSAM

For the Petitioner(s) : Mr. M. Sarma, Advocate

For the Respondent(s) : Mr. S. Baruah, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 08.01.2024

1. The instant writ petition has been filed by an Association in the name and style of Kokrajhar Omni Tourist Vehicles Owners Association. The grievances of the Petitioner Association are that the vehicles of its members were taken on hire by the various State Authorities however upon the bills being submitted, the said bills have not been cleared by the concerned Respondent Authorities.

2. The record reveals that an affidavit has been filed on behalf of the Respondent No.7 by the Superintendent of Police, Kokrajhar wherein it has been

mentioned that a part payment of Rs.72,17,443/- have already been made to the owners of respective vehicles and all the bills were submitted to the higher authorities for making payment which are under process. The bills which are under process have also been mentioned in the said enclosure to the affidavit filed by the Respondent No.7 and these bills relates to the Kokrajhar District only. It is the opinion of this Court that if the vehicles of the members of the Petitioner Association were taken on hire, the members of the Petitioner Association would be entitled to hire charges as per the Government rates and depriving the said amount to the members of the Petitioner Association would be arbitrary and unreasonable.

4. This Court cannot also be unmindful of the fact that the actual entitlement of the members of the Petitioner Association has to be verified by the Respondent Authorities and without a proper verification, no amount can be directed to be paid. Under such circumstances, this Court therefore disposes of the instant writ petition directing the members of the Petitioner Association to submit their individual claims before the concerned Respondent Nos. 3 to 9 along with all the details of the bills. The said Respondents before whom the members of the Petitioner Association shall approach respectively shall verify the entitlement of the members of the Petitioner Association.

5. This Court cannot also be unmindful of the fact that this verification would take some time and thereupon there would also be requirement of following certain process for the purpose of disbursement of the amount, if found upon verification. This Court therefore directs the concerned Respondent Authorities to complete the entire exercise within a period of 12 months from the date, each of the members of the Petitioner Association approaches the concerned Respondent Authorities with a certified copy of this order.

6. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant