

GAHC010016882021



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

Case No. : WP(C)/589/2021

JONAKI DAS
D/O. SRI J. DAS, R/O. JATIA, KAHILIPARA, P.S. DISPUR, DIST. KAMRUP (M),
ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMM. AND SECY. GOVT. OF ASSAM, HOME DEPTT., DISPUR,
GUWAHATI-06.

2:THE ADDL. CHIEF SECY.
TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GUWAHATI-06.

3:THE PRINCIPAL SECY.
TO THE GOVT. OF ASSAM
STATE HOME DEPTT.
DISPUR
GUWAHATI-06.

4:THE DIRECTOR GENERAL OF POLICE

ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-07.

5:THE ADDL. DIRECTOR GENERAL OF POLICE

(ADMN.)
ASSAM
B.K. KAKOTY ROAD

ULUBARI
GUWAHATI-7.

6:THE ADDL. INSPECTOR GENERAL OF POLICE (ADMN)

(ADMN.)
ASSAM
B.K. KAKOTY ROAD
ULUBARI
GUWAHATI-7.

7:THE COMMISSIONER OF POLICE

GUWAHATI
ASSAM

8:THE DISTRICT MAGISTRATE CUM DY. COMMISSIONER

KAMRUP (M)
(LAW AND ORDER) DISTRICT KAMRUP (M)
ASSAM.

9:THE MOTOR TRANSPORT OFFICER (M.T.O.)

KAMRUP (M)
ASSAM

For the Petitioner(s) : Mr. L. Mohan, Advocate

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

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 05.02.2024

1. The instant writ petition has been filed by the Petitioner being aggrieved by the inaction on the part of the Respondent Authorities in not releasing the amounts of Rs.13,57,254/- which is due to the Petitioner on account of hiring of the Petitioner's vehicle.

2. From a perusal of the materials on record, it reveals that the Petitioner claims that the vehicle of the Petitioner was requisitioned by the concerned Respondent Authorities and in that regard, the details have been duly provided in Annexure-1 to the writ petition. The said details are incorporated herein under:

“Description of vehicles and Statement showing the date of hired and date of its release by the Respondent Authorities is as follows:

<i>Sl. No.</i>	<i>Registration Number of Vehicle</i>	<i>Type of the Vehicle</i>	<i>Date of Hired</i>	<i>Date of Release</i>
1	AS-01-BF-1450	Bolero	1/7/2017	31/12/2017
2	AS-01-BF-1450	Bolero	1/1/2018	30/6/2018
3	AS-01-BF-1450	Bolero	1/7/2016	31/12/2016
4	AS-01-BF-1450	Bolero	1/1/2017	30/6/2017
5	AS-01-BF-1450	Bolero	1/1/2019	30/6/2019
6	AS-01-BF-1450	Bolero	1/7/2018	31/12/2018

3. On the basis of the above, the learned counsel for the Petitioner submitted that the Petitioner is entitled to the amount of Rs.13,57,254/- and the Petitioner had duly approached the Respondent Authorities time and again for the said amount which have not been paid for which the instant writ petition has been filed.

4. The record reveals that on 08.02.2021, this Court had issued notice. Today, when the matter has been taken up, Mr. S. R. Baruah, the learned Standing counsel appearing on behalf of the Respondent Authorities submitted an instruction issued by the Deputy Commissioner of Police (Crime), Guwahati wherein the fact that the Petitioner's vehicle was taken was admitted and it has also been mentioned that the hire charge bills covering the period from (i)

01.07.2016 to 31.12.2016, (ii) 01.01.2017 to 30.06.2017, (iii) 01.07.2017 to 31.12.2017, (iv) 01.07.2018 to 31.12.2018 and (v) 01.01.2019 to 30.06.2019 have already been forwarded to the Sanctioning Authority for according sanction and allotment of fund vide a proposal dated 13.08.2020. However, the amount is yet to be received.

5. It has also been mentioned that in respect to the bill covering the period from 01.01.2018 to 30.06.2018, the same have been forwarded to the authority after observing the required formalities and verification of the records maintained at the Motor Transport Branch, Police Reserve, Guwahati. The said instruction is kept on record and marked with the letter "X".

6. Taking into account the above, it is the opinion of this Court that if the Petitioner's vehicle was taken on hire by the Respondent Authorities, the Petitioner would be entitled to the hiring charges as per the notified rates. The said aspect of the matter is required to be verified and thereupon paid to the Petitioner. Under such circumstances, this Court therefore disposes of the instant writ petition directing the Respondent No.4 to make the verification either by himself or through his delegatee as to whether the Petitioner is entitled to the amount so claimed and if the Petitioner is entitled to the said amount as claimed or any part thereof, the same be released to the Petitioner.

7. The said exercise be completed within a period of 6 (six) months from the date a certified copy of the instant order is served upon the Respondent No.4.

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

JUDGE

Comparing Assistant