

GAHC010022712023



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

Case No. : WP(C)/1056/2023

PABAN JYOTI NEOG
SON OF LATE BENUDHAR NEOG,
RESIDENT OF LOKNATH NEOG PATH,
KPM CHARIALI, P.O. AND P.S.- SIVASAGAR,
DISTRICT- SIVASAGAR, ASSAM,
785640.

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
PUBLIC WORKS DEPARTMENT (ROADS),
DISPUR, GUWAHATI-6, ASSAM.

2:THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06
ASSAM.

3:DY. SECRETARY TO THE GOVT. OF ASSAM
P W D (BUDGET) DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM.

4:CHIEF ENGINEER (P)
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-3

ASSAM.

5:ADDITIONAL CHIEF ENGINEER (P)
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-3

ASSAM.

6:THE REVENUE DEPARTMENT
THROUGH THE DISTRICT COMMISSIONER
DISTRICT- SIVSAGAR.

7:SUPERINTENDING ENGINEER
P.W.D.
JORHAT ROAD CIRCLE

JORHAT
785640
ASSAM.

8:EXECUTIVE ENGINEER
PWD
SIVASAGAR RURAL ROAD DIVISION

SIVASAGAR
785001

ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08.04.2024

Heard Mr. H. Agarwal, learned counsel for the petitioner and Mr. H. Baruah, learned counsel appearing on behalf of Mr. B. Gogoi, learned standing counsel for the PWD.

2. Alleging non-payment of contractual bills amounting to Rs.5,60,691/-, the present writ petition has been filed under Article 226 of the Constitution of India.

3. The petitioner projects in this writ petition that he has suffered a road accident and suffered a heart attack and he is now physically disabled and is wheelchair-bound and he needs a lot of money for medical treatment.

4. It is projected that on an earlier occasion, the petitioner has approached this Court by filing WP(C) 3666/2021 and by order dated 22.07.2022, the petitioner had withdrawn the writ petition with liberty to approach the authorities. It is projected that thereafter, a representation dated 26.07.2022 was submitted and as money has not been released, the present writ petition has been filed.

5. Notice of motion was issued in this writ petition by order dated 31.03.2023 and till date the respondents have not filed the affidavit in opposition and accordingly, the averments made in this writ petitioner has not denied. Accordingly, this writ petition stands allowed as the dues of the petitioner is not denied and disputed.

6. The amount shall be verified and if the payment found due shall be released jointly and severally by the respondent authorities to the petitioner within an outer period of 3(three) months from the date of submission of certified copy of this order before the Executive Engineer, PWD, Sivasagar (respondent no.8).

7. This writ petition stands allowed to the extent as indicated above.

JUDGE

Comparing Assistant