

GAHC010025032024



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

Case No. : WP(C)/697/2024

DINAMANI HALOI
S/O SRI RAJENDRA NATH HALOI,
RESIDENT OF VILLAGE AND PO BIHAMPUR, PS BELSOR, DIST NALBARI,
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, WATER
RESOURCES DEPARTMENT, DISPUR, GUWAHATI 781006, KAMRUP M
ASSAM

2:THE SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (GENERAL DEPARTMENT)
DISPUR
GUWAHATI 781006
KAMRUP M ASSAM

3:THE CHIEF ENGINEER

WATER RESOURCES DEPARTMENT
GOVT. OF ASSAM
CHANDMARI
GUWAHATI 781003
KAMRUP M ASSAM

4:THE ADDITIONAL CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
GOVT. OF ASSAM
CHANDMARI
GUWAHATI 781003

KAMRUP M ASSAM

5:THE EXECUTIVE ENGINEER
NALBARI WATER RESOURCE DIVISION
NALBARI 787057
DIST NALBARI
ASSAM

6:THE DISTRICT COMMISSIONER CUM CHAIRMAN
DISTRICT DISASTER MANAGEMENT AUTHORITY
NALBARI
DIST DHEMAJI
ASSAM 78705

Advocate for the Petitioner : MS. S CHUTIA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

29-05-2024

Heard Ms. P. Chutia, learned counsel for the petitioner, who submits that by filing this writ petition the petitioner seeks for a direction to the respondent authorities concerned to disburse an amount of Rs.6,52,612.00 which is due to the petitioner for execution of work under the SDRF Scheme "Immediate measures for closing the breach on L/B embankment of river Buradia at Kulbilghat Shiva temple (Restoration of damage work from K. C. Road up to 1.00 km. for 2012-2013 under SDRF). The said work was allotted to the petitioner which he has completed.

Despite the same, the aforesaid amount has not been disbursed to him and therefore the petitioner before this Court.

Ms. U. Das, learned Addl. Sr. Govt. Advocate appearing for respondent no. 6 submits that after a physical progress report of the Scheme was received from the Executive Engineer, Nalbari Water Resources Division, Nalbari vide letter dated

05.02.2018, the then Deputy Commissioner, Nalbari and District Development Commissioner, Nalbari physically verified the SDRF work on 23.03.2018 and completion report of the SDRF Scheme was submitted to the Revenue and Disaster Management (General) Department vide letter No. NRR.3/2018/18 dtd.08.05.2018 for further necessary action.

Ms. D. Jain, learned counsel appears for the respondent nos. 1, 3, 4 & 5 and submits that the Water Resources Department are only the executing Department and the amount claimed will have to be given by the respondent no. 2 i.e. Revenue and Disaster Management (General) Department. The respondent no. 2 is otherwise not represented today.

Considering the materials available and the submissions made by the parties more particularly, the submission made by Ms. U. Das, learned Addl. Sr. Govt. Advocate in terms of the instructions received by her, the writ petition is disposed of with the direction to the respondent no. 2, i.e. Secretary to the Govt. of Assam, Revenue and Disaster Management (General) Department 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 amount claimed by the petitioner is found to be correct and genuine, the respondent authorities shall undertake necessary process to arrange for the fund for payment of the dues of the petitioner as expeditiously as possible in terms of ***Tamsher Ali Vs State of Assam*** reported in ***2008 (4) GLT 1***.

Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant