

GAHC010033032019



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

**Case No. : WP(C)/1107/2019**

RAJESH HORLALKA  
S/O- BIJOY KUMAR HORLALKA, R/O- DASPATTY, KARIMGANJ, P.O-  
KARIMGANJ, P.S- KARIMGANJ, DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,  
WATER RESOURCE DEPTT, DISPUR, GUWAHATI- 06

2:THE CHIEF ENGINEER  
WATER RESOURCE DEPTT  
GOVT OF ASSAM  
CHANDMARI  
GHY- 03

3:THE ADDITIONAL CHIEF ENGINEER  
CACHAR AND HILLS WATER RESOURCES DEPTT  
SILCHAR

4:THE SUPERINTENDING ENGINEER  
HAILAKANDI WATER RESOURCE CIRCLE  
HAILAKANDI  
ASSAM

5:THE EXECUTIVE ENGINEER  
WATER RESOURCES DIVISION  
KARIMGANJ  
ASSAM

6:THE ASSTT EXECUTIVE ENGINEER  
WATER RESOURCES SUB DIVISION

PATHARKANDI  
ASSA

**Advocate for the Petitioner** : MR. A SAIKIA, MR. B K DAS,MR. A S ALI,MR J ISLAM

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**16.09.2024**

Heard Mr. B.K. Das, learned counsel for the petitioner. Also heard Mr. C. Sarma, learned counsel appearing for all the respondents.

2. The petitioner's case is that the petitioner has not been paid his contractual dues amounting to Rs.4,77,768/- for executing contract work under the Scheme namely "IM Embankment along both bank of river Longai from Patharkandi to Nilambazar (Ph-I L/B) for 2013-14 breach closing work at Chandpur including restoration of communication in between Chandpur in Patharkandi under SDRF", despite the petitioner having submitted his bills and representations dated 27.12.2017.

3. The respondents' case, on the other hand, is that there is no evidence to show that the petitioner had duly executed the work in question and fulfilled the relevant condition necessary for submission of demand for funds. As such, no demand of fund could be submitted without fulfilling the condition under the established norms and procedure. Accordingly, the petitioner was not entitled to the amount claimed in the writ petition.

4. I have heard the learned counsels for the parties and also perused the averments made in the pleadings.

5. The opposite stands taken by the parties in the averments made in the writ petition and affidavit filed by the respondent No.2 show that there are disputed questions of fact, which would require the recording of evidence, to enable the Court to decide the issue regarding payment of alleged contractual dues of the petitioner. As this Court is ill equipped to deal with issues regarding disputed questions of fact, this Court is of the view that the petitioner should approach the Civil Court with regard to his claim for non-payment of contractual dues.

6. Accordingly, the writ petition stands closed, with liberty being given to the petitioner to approach the Civil Court with his grievance, if so advised.

**JUDGE**

**Comparing Assistant**