

GAHC010042812023



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

Case No. : WP(C)/1180/2023

LOWER ASSAM INTER DISTRICT STAGE CARRIAGE BUS OWNERS
ASSOCIATION
GOALPARA, ASSAM, REPRESENTED BY ITS GENERAL SECRETARY SRI
ANIRUDHA DAS, S/O- LATE AMBIKA DAS, R/O- VILL.- BAMUNPARA,
GOALPARA TOWN, P.O. AND DIST. GOALPARA.

VERSUS

THE STATE OF ASSAM AND 16 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, TRANSPORT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
KAMRUP (METRO)
HENGRABARI
GUWAHATI-36.

3:THE DEPUTY COMMISSIONER
AMINGAON
GUWAHATI-781039.

4:THE COMMISSIONER OF POLICE
CITY
GUWAHATI.

5:THE SUPERINTENDENT OF POLICE
KAMRUP(R)
GUWAHATI.

6:THE DEPUTY COMMISSIONER
GOALPARA
PIN- 783101.

7:THE SUPERINTENDENT OF POLICE

GOALPARA
ASSAM
PIN- 783101.

8:THE DEPUTY COMMISSIONER
DHUBRI
ASSAM

9:THE SUPERINTENDENT OF POLICE
DHUBRI
ASSAM

10:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM

11:THE SUPERINTENDENT OF POLICE
BONGAIGAON
ASSAM

12:THE DEPUTY COMMISSIONER
BARPETA
ASSAM

13:THE SUPERINTENDENT OF POLICE
BARPETA
ASSAM

14:THE DISTRICT TRANSPORT OFFICER
GOALPARA
DIST. GOALPARA
ASSAM
PIN- 783101.

15:THE DISTRICT TRANSPORT OFFICER
KAMRUP RURAL
DIST. KAMRUP(R)
ASSAM

16:THE DISTRICT TRANSPORT OFFICER
KAMRUP METRO
KAMRUP(M)
ASSAM

17:MONOJ CHOUDHURY
DTO
GOALPARA
DIST. GOALPARA

ASSAM
PIN- 783101

Advocate for the Petitioner : MR H DAS, MR. B C DEKA,D BARUAH

Advocate for the Respondent : GA, ASSAM, SC, TRANSPORT

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 25.10.2024

Heard Mr. H. Das, learned counsel for the petitioner; Mr. R.B. Goswami, learned counsel representing Ms. M.D. Bora, learned Standing Counsel, Transport Department for the respondent nos. 1, 14 – 16; and Mr. B.J. Talukdar, learned Senior Counsel assisted by Mr. P.K. Medhi, learned counsel for the respondent nos. 2 – 13.

2. The petitioner Association viz. M/s Lower Assam Inter-District Stage Carriage Bus Owners Association, Goalpara is an Association registered under the Societies Registration Act, 1860 vide Certificate of Registration bearing no. 604 of 1991-1992 dated 29.06.1991. The Association has about 54 members, who are owners of buses which operate as stage carriages having permits for different routes within the North-Eastern States.

3. The Association has approached by this writ petition with a grievance that on a number of occasions, their buses were requisitioned by the State respondent authorities and the State respondent authorities owed an amount of Rs. 14,03,525/- to a number of members of the petitioner Association against requisition of their buses. The writ petition is preferred seeking a writ in the nature of mandamus to the respondent authorities for disbursal of the amount of Rs. 14,03,525/- against the bills of requisitions submitted by the members of the Association. Affidavits-in-opposition have been filed by the respondent no. 5 and the respondent no. 7.

4. After hearing the learned counsel for the parties, it has emerged that the Association

has preferred seeking disbursal of the amount of Rs. 14,03,525/-, owed towards requisition of the buses belonging to a number of members of the petitioner Association. The members of the petitioner Association had claimed to have owed different amounts from different party-respondents. It, thus, appears that a number of causes of action have been clubbed together to prefer the instant writ petition. If the members of the petitioner Association have claims against different respondent authorities, the members of the petitioner Association are at liberty to prefer individual representations in respect of their claim amount before the appropriate and respective respondent authorities and in the event they are aggrieved by any decision on the part of the appropriate and respective respondent authorities, they are also at liberty to recourse to appropriate legal remedy.

5. As the causes of action involved in this writ petition are difficult to be separated and to be decided, this Court is of the considered view that the writ petition in the present form is not maintainable to be entertained. It is ordered accordingly. It is observed that non-entertainment of the writ petition in the present form would not be a bar for the members of the petitioner Association to agitate their respective grievance individually before the appropriate authority/forum. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant