

GAHC010044962024



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

Case No. : WP(C)/1290/2024

JAHIDUL HOQUE
PROPRIETOR OF M/S JAHIDUL ENTERPRISE,
SON OF LATE KHAIMUDDIN SHEIKH,
RESIDENT OF VILLAGE- MADHUSOULMARI PART-II,
POST OFFICE- MADHUSOULMARI,
POLICE STATION- GAURIPUR,
DISTRICT- DHUBRI, ASSAM, PIN- 783331.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI- 06.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI ROAD
JURIPAR
GUWAHATI- 37.

3:THE DISTRICT COMMISSIONER AND DISTRICT PLANNING
COMMISSIONER
MGNREGA
DHUBRI
POST OFFICE- DHUBRI

DISTRICT- DHUBRI
ASSAM

PIN- 783301.

4:THE PROJECT DIRECTOR
DRDA
DHUBRI
POST OFFICE- DHUBRI

DISTRICT- DHUBRI
ASSAM

PIN- 783301.

5:THE BLOCK DEVELOPMENT OFFICER AND PROGRAMME OFFICER
GAURIPUR DEVELOPMENT BLOCK
DISTRICT- DHUBRI
ASSAM

PIN- 783331.

6:THE ASSISTANT ENGINEER
GAURIPUR DEVELOPMENT BLOCK
DHARMASHALA
DISTRICT- DHUBRI

ASSAM
PIN- 783331.

7:THE SECRETARY
DURAHATI GAON PANCHAYAT
GAURIPUR DEVELOPMENT BLOCK

DHARMASHALA
DISTRICT- DHUBRI

ASSAM
PIN- 783331

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : SC, P AND R.D., GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 20.11.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also, heard Ms. N. Borah, learned Standing Counsel, P&RD department, and Mr. M. Chetia, learned Junior Government Advocate for respondent no. 3.

2. By way of this writ petition under Article 226 of the Constitution of India, the petitioner is seeking payment of Rs. 48,70,760.34 (Rupees forty eight lakh seventy thousand seven hundred sixty and thirty four paisa) only, against the contractual bills submitted by the petitioner. The facts of the case is that the petitioner in the year 2020-21 against 15 Work Orders issued by the Block Development Officer, Gauripur Development Block, Dharmasala, under MGNREGA scheme completed the subject work. It is the further case of the petitioner that pursuant to the petitioner completing the subject work, completion certificate thereof were issued by the authorities. After completion, the petitioner raised 15 bills for the 15 subject works. Though the bill towards wages were paid to the job card holder directly to their account, however, the bills in respect of the materials against the subject bills submitted by the petitioner were not cleared for which the present writ petition has been filed.

3. Today when the matter was called Ms. N. Borah, learned Standing Counsel P&RD, submits the para wise comments received from the Office of the District Rural Development Agency, Dhubri by communication dated 10.09.2024 which is placed before this Court

and the same is kept on record and marked as "X".

4. It appears from the aforesaid para wise comments that the outstanding pending contractual subject bills of the petitioner are said to be ready for payment.

5. Mr. M. Ahmed, learned counsel for the petitioner submits that in view of the instruction received by the learned Standing Counsel, P&RD, this writ petition can be disposed of with a direction to release the pending bills within a time period. Ms. N. Borah, learned Standing Counsel P&RD fairly concedes to the aforesaid.

6. In view of the aforesaid endorsement and specifically keeping in mind the reply to paragraph 42 of the para wise comments, wherein the Project Director, DRDA, Dhubri, have categorically mentioned that the present bills of the petitioner are ready for payment, this Court is inclined to dispose of this writ petition by directing the respondent authority to release the pending admitted amount in respect of the subject 15 nos. of bill of the petitioner in accordance with law within a period of 3 (three) months from the date of receipt of the certified copy of the Court's order.

7. Ordered accordingly.

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

JUDGE

Comparing Assistant