

GAHC010049202022



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

Case No. : WP(C)/1819/2022

SAMANNAYA SWA NIYOJAN SANGSTHA
REP. BY ITS PRESIDENT / SECRETARY NABAKANTA BARMAN, AGED
ABOUT 42 YEARS.
S/O- KANURAM BARMAN, NANKARBHAIRA, P.O- NANKARBHAIRA,
NALBARI, ASSAM, PIN-781369

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY , PUBLIC HEALTH
ENGINEERING CUM THE MISSION DIRECTOR,SBM (G), HENGRABARI,
ASSAM, GUWAHATI, PIN-781036

2:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING
SANITATION
ASSAM
HENGRABARI
GUWAHATI
ASSAM
PIN-781036

3:THE CHAIRMAN
KDWSC CUM DEPUTY COMMISSIONER (R)
KAMRUP
AMINGAON

4:THE MEMBER SECRETARY
KDWSC CUM EXECUTIVE ENGINEER (PHE)
GUWAHATI
DIVISION NO. I

5:THE ASSOCIATE MEMBER SECRETARY
KDWSC CUM EXECUTIVE ENGINEER (PHE)

RANGIA DIVISION
RANGIA

6:THE CHAIRMAN
BISHNUPUR BALISATRA VWSC CUM PRESIDENT BISHNUPUR BALISATRA
GAON PANCHAYAT

7:THE MEMBER SECRETARY
BISHNUPUR BALISATRA GAON PANCHAYAT / WATER SANITATION
COMMITTEE

Advocate for the Petitioner : MR. A K SARMA, MR D KALITA,MR H J TAMULI

Advocate for the Respondent : GA, ASSAM, SC, P H E

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

23.10.2024

Heard Mr. D. Kalita, learned counsel for the petitioner. Mr. I. Borthakur, learned counsel appears for the PHE Department.

2. The case of the petitioner, a Non-Government Organization, is that the respondent no. 7 issued a work order dated 30.07.2017 for construction of 20 nos. of low cost individual household latrines under Swachh Bharat Abhiyan @ Rs. 12,000/- per unit for a total cost of Rs. 2,40,000/-. The petitioner has claimed that it executed the contract-work and submitted final bills against the said contract-work. Despite a lapse of sufficient time, the amount of Rs. 2,40,000/- against the said contract-work has not been released by the respondent authorities.

3. Mr. I. Borthakur, learned counsel for the PHE Department submits that though instructions have been received with regard to the present writ petition,

the instructions received are vague and despite clarifications being sought for, clarifications have not been given till date by the State respondents.

4. I have heard the learned counsels for the parties.

5. It is seen that despite the writ petition having been filed on 09.03.2022, the State respondents have not given any specific answers to the claim made by the petitioner, even after a lapse of more than 2½ years. Consequently, this Court is of the view that the respondents would have to verify the claim of the petitioner in terms of the judgment of the Full Bench of this Court in ***Tamsher Ali and Etc. Etc Vs. State of Assam and Ors*** , reported in ***2008 (4) GLT 1.***

6. The respondent No.2 is accordingly directed to verify the claim of the petitioner and take a decision on the same, within a period of 2(two) months from the date of receipt of a certified copy of this order. If the respondent No.2 comes to a finding that the petitioner is to be paid some outstanding amount, the said payment should be made to him within a further period of 2(two) months. All the respondents are directed to ensure that the funds for payment of the outstanding admitted liability, if any, is made available for payment, in the event the respondent No.2 comes to a finding that the petitioner is entitled to some outstanding amount.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant