

GAHC010049262022



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

Case No. : WP(C)/1811/2022

MTCEC, A NON GOVERNMENTAL ORGANIZATION (NGO)
REP. BY ITS SECRETARY ABDUL RAHMAN, S/O. LT. SAYED ALI, VILL.
BAMUNGAON, P.O. PUTHIMARI, P.S.KAMALPUR, PIN-781381, DIST.
KAMRUP (R), ASSAM.

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REP. BY THE COMM. AND SECY., PUBLIC HEALTH ENGINEERING CUM
THE MISSION DIRECTOR, SBM (G), ASSAM, HENGRABARI, GUWAHATI-36.

2:THE CHIEF ENGINEER

PUBLIC HEALTH ENGINEERING
SANITATION
HENGRABARI
GUWAHATI-36.

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 LOCH VWSC CUM PRESIDENT
LOCH GAON PANCHAYAT.

7:THE CHAIRMAN HARADUTTA VWSC CUM PRESIDENT
HARADUTTA GAON PANCHAYAT.

8:THE CHAIRMAN BIRDUTTA VWSC CUM PRESIDENT
BIRDUTTA GAON PANCHAYAT.

9:THE MEMBER SECRETARY

LOCH GAON PANCHAYAT/WATER SANITATION COMMITTEE.

10:THE MEMBER SECRETARY

HARADUTTA GAON PANCHAYAT/WATER SANITATION COMMITTEE.

11:THE MEMBER SECRETARY

BIRDUTTA GAON PANCHAYAT/WATER SANITATION COMMITTEE

Advocate for the Petitioner : MR. A K SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

29.07.2024

Heard Mr. A. Gohain, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned counsel for the respondent Nos. 1-5/PHE Department. No one appears for the respondent Nos. 6-11. However, the Lawazima Court's order dated 23.07.2024 states that notice upon the respondent Nos. 3 & 6 to 11 has been completed.

2. The case of the petitioner, a non government organization is that the

petitioner was made to construct low cost individual household latrines under the Sashwa Bharat Abhiyan @Rs.12,000/- per unit. The petitioner was thereafter issued various orders/letters for construction of the low cost latrines as per the following-

“i)SA.KA.AO /Rangia/SashwaBharat Mission/58/2016-17/10,641 dated 29/03/2017,

ii)SA.KA.AO/Rangia/SashwaBharat.Mission/58/2016-17/11081 dated 30.03.2017

iii)SA.KA.AO/Rangia/SashwaBharat.Mission/58/2016-17/1457 dated 05.09.2017

iv)SA.KA.AO/Rangia/SashwaBharat.Mission/58/2016-17/9621 dated 22.03.2017

v)SA.KA.AO/Rangia/SashwaBharat.Mission/58/2016-17/11009 dated 30.03.2017

vi)SA.KA.AO/Rangia/SashwaBharat.Mission/58/2016-17/11001 dated 30.03.2017”

3. After completion of the said works, the petitioner submitted bills against each completed work as follows-

“Bill No. 882 dated 30.01.2018, Bill No. 895 dated 15.02.2018, Bill No. 857 dated 22.12.2017, Bill No. 872 dated 04.01.2018, Bill No. 854 dated 22.12.2017, Bill No. 855 dated 22.12.2017 ”

4. The petitioner’s counsel submits that the total bill amount payable to the petitioner is Rs.24,12,000/-.

5. Mr. I. Borthakur, learned counsel for the respondent PHE Department, on

the other hand, submits that he has not received instructions till date.

6. It is surprising to note that despite the present writ petition having been filed on 09.03.2022, the respondents have not filed any affidavit till date with regard to the grievance of the petitioner.

7. On considering the above facts, this Court directs the respondent No.2 to verify as to whether the petitioner was given the contract work for construction of the low cost individual household latrines and whether the amount claimed by the petitioner amounting to Rs.24,12,000/- is an admitted amount. The said direction is passed in terms of the decision of the Full Bench of this Court in the case of ***Tamsher Ali Vs. State of Assam and Others***, reported in **2008 (4) GLT 1**, and also due to the fact that a similar order has already been issued by a Coordinate Bench of this Court in WP(C) 2079/2022. The entire exercise of verification and payment of the admitted amount should be completed by the respondents, within a period of 3(three) months from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant