

GAHC010060932024



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

Case No. : WP(C)/2140/2024

SUBRATA SEN
SON OF LT. GOPAL CHANDRA SEN, RESIDENT OF SANTINAGAR, WARD
NO.-3, P.O. KOKRAJHAR, P.S. KOKRAJHAR, DISTRICT- KOKRAJHAR
(BTAD), ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVERNMENT
OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
STATE HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER
KOKRAJHAR
DISTRICT- KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA, MRS. K H CHOUDHURY, MR. L MOHAN

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

08.08.2024

Heard Mr. J.I. Borbhuiya, learned counsel for the petitioner and Mr. M. Chetia, learned counsel appearing for all the respondents.

2. The petitioner's prayer is for payment of hiring charges of his vehicles amounting to Rs.30,67,488/-.

3. The affidavit-in-opposition filed by the respondent No.3 on 31.05.2024 has admitted that the petitioner's vehicles had been hired by the respondent authorities and that the bills for hiring charges received from the petitioner had been forwarded to the concerned department for necessary sanction and release of funds. Further, payment would be made on receipt of funds from the government.

4. Para 3 of the affidavit-in-opposition of the respondent No.3 is reproduced hereinbelow as follows:

"That, with regard to the statement made in paragraph 3 to 6 of the writ petition the deponent states that the vehicles were hired by the respondent authority from the concerned petitioner for the interest of public service and for Counter insurgency operation and NRC duty (Law & Order). Accordingly, the hiring charges bills had been received from the concerned writ petitioner and the same had been duly forwarded to the Government in Home & Political Department vide No. KNZ-5/2018/Pt./14 dated 02-06-2022 & No. KNZ-4/2019/184 dated 26-07-2021 for necessary sanction and release of fund. On receipt of fund from the Government payment will be made accordingly."

5. As the claim of the petitioner for payment of the outstanding dues amounting to Rs.30,67,488/- for hiring charges of his vehicles is admitted by the respondent authorities, the respondents are directed to sanction the funds and allot the same for payment to the petitioner within a period of 3(three) months from the date of receipt of a certified copy of this order.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant