

GAHC010084772024



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

Case No. : WP(C)/2442/2024

M/S N A ENTERPRISE
REPRESENTED BY ITS PROPRIETOR NABA TALUKDAR, AGED ABOUT 51
YEARS, S/O ACHYUT TALUKDAR, R/O H. NO. 85, GANESH MANDIR PATH,
NEW GUWAHATI, NOONMATI, GUWAHATI, PIN-781020, DIST- KAMRUP (M),
ASSAM HAVING ITS REGISTERED OFFICE AT TANGLA, WARD NO. 4, PIN-
784521, DIST- UDALGURI, BTAD, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPARTMENT, DISPUR, GUWAHATI-06, ASSAM

2:THE CHIEF ENGINEER
WATER
PHED
ASSAM
HENGRABARI
GUWAHATI-36

3:THE SPECIAL SECRETARY TO THE GOVT. OF ASSAM
PHED
HENGRABARI
GUWAHATI-36

4:THE ADDL. CHIEF ENGINEER PHE CUM DIRECTOR PHED
BTC
KOKRAJHAR
DIST- KOKRAJHAR (ASSAM)
PIN-783370

5:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM

PHE DEPARTMENT
DISPUR
GUWAHATI-06

6:THE EXECUTIVE ENGINEER (PHE)
TANGLA DIVISION
TANGLA
DIST- UDALGURI (ASSAM)
PIN-784521

7:THE PRINCIPAL SECRETARY
BODOLAND TERRITORAIL COUNCIL
DIST- KOKRAJHAR (ASSAM)
PIN-783370

8:THE SECRETARY
PHED BTC
DIST- KOKRAJHAR (ASSAM)
PIN-78337

Advocate for the Petitioner : MR. N D BHUYAN

Advocate for the Respondent : SC, P H E

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

13.05.2024

- 1.** Heard Mr. P.D. Bhuyan, learned counsel for the petitioner. Also heard Mr. R.R. Gogoi, learned counsel for the respondent nos.1, 2, 3 & 5 and Mr. R.K. Mushahari, learned Standing Counsel, BTC for the respondent nos.4, 6, 7 & 8.
- 2.** Having regard to the nature of case projected by the petitioner, the writ petition is taken up for disposal at the Motion stage.
- 3.** By filing the writ petition, the petitioner claims for payment of the outstanding liability amounting to Rs.66,82,010/-, which is due to him for the

five numbers of works executed and completed.

4. The learned counsel for the petitioner by drawing the attention of this Court to Annexure-3 of the writ petition submits that the same is a communication from the Executive Engineer (PHE) Tangla Division, Tangla to the petitioner showing the outstanding bills amounting to Rs.66,82,010.00 as due to the petitioner.

5. The learned counsel for the petitioner submits that the petitioner had served a Legal Notice to the Executive Engineer (PHE) Tangla Division, Tangla on 03.01.2024. But despite the same, dues have not been paid till date and therefore, the petitioner before this Court. The learned counsel submits that in other similar cases, this Court has disposed of such similar claims, in terms of the decision rendered by the Full Bench of this Court in ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1***. Therefore, the instant case may also be disposed of in terms of the said judgment.

6. The learned counsel appears for the respondents agree with the submission made by the learned counsel for the petitioner.

7. In view of above, the respondent department concerned is directed to examine the claim of the petitioner and if found admissible in law, the same should be released. The matter shall be examined by the department within 30 (thirty) days from the date of receipt of a certified copy of this order. The amount claimed if found to be payable as per the provisions of law the respondent authorities will process the claim of the petitioner in the light of the judgment contained in ***Tamsher Ali (supra)***. The petitioner shall serve a certified copy of this order along with a copy of this writ petition to the respondent no.4, who shall upon receipt of the same do the needful in terms of

the direction made hereinabove.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant