

GAHC010099882024



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

Case No. : WP(C)/2664/2024

M/S SHIVAM BHARTIA JV
REPRESENTED BY SRI SANKAR CHARAN DAS, AGE 61 YEARS, S/O- LATE
AMBIKA CHARAN DAS, R/O- HOUSE NO-59, ZOO NARENGI ROAD,
GEETANAGAR, PO- BAMUNIMOIDAM, PS- GEETANAGAR, DIST- KAMRUP
(M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, PUBLIC
WORKS DEPARTMENT, DISPUR, GUWAHATI-6

2:THE CHIEF ENGINEER (EAP)
PUBLIC WORKS ROAD DEPARTMENT
ASSAM
FATASIL AMBARI
GUWAHATI-25

3:THE SUPERINTENDING ENGINEER
PUBLIC WORKS ROAD DEPARTMENT
BARPETA ROAD CIRCLE
NALBARI

4:THE EXECUTIVE ENGINEER
PUBLIC WORKS ROAD DEPARTMENT
BHABANIPUR
PATACHARKUCHI AND SARUKHETRI TERRITORIAL ROAD DIVISION
PATHSALA
BAJALI
ASSA

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : SC, PWD

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

22.05.2024

By filing this writ petition, the petitioner prays for a direction to the respondent authorities concerned not to deduct the Forest Royalty on account of extracting loose earth, in the process of undertaking the contract work under Package No. ASRIP/A/RI-4 which is for an estimated cost of Rs. 114,01,17,985.00/- .

Mr. P. J. Saikia, learned counsel for the petitioner submits that since the loose earthwork has been extracted from private patta land, the petitioner cannot be asked to deposit Forest Royalty and that the case of the petitioner is covered by the decision of the Co-ordinate Bench of this Court in *Trinayan Associates (M/s) and Another V. State of Assam reported in 2017(2) GLT 859* as well as in *State of Assam and Ors V. Muslim Ali (Mohammed) reported in 2013(2) GLT 945* rendered by the Co-ordinate Bench of this Court.

The learned counsel for the petitioner also submits that the petitioner on being informed that Forest Royalty would be deducted from his bill, he has

submitted a representation to the Executive Engineer (PWRD), Bhawanipur, Patacharkuchi & Sarukhetri Territorial Road Division requesting the said authority not to deduct the Forest Royalty on 23.04.2024. However, the representation has neither been considered nor disposed of by the said authority till date, as such, the petitioner is before this Court.

Mr. B. Choudhury, learned Standing Counsel, PWD Department submits that in view of the representation submitted by the petitioner, the Court may direct the respondent authorities to consider the representation in accordance with law.

In view of above, the writ petition is disposed of with a direction to the respondent no. 4 to consider and dispose of the representation of the petitioner dated 23.04.2024 in accordance with law within a period of 15 days from the date of receipt of the certified copy of this order.

JUDGE

Comparing Assistant