

GAHC010107352016



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

Case No. : WP(C)/1041/2016

BAHARUL ISLAM
S/O- LT. KHALIL UDDIN PARAMANIK, R/O- GANDHI BASTI, TINIALI
LALMATI ROAD, H/NO. 15, CHANDMARI GUWAHATI, DIST.- KAMRUP M,
ASSAM, PIN- 781003.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY- 6.

2:THE SECRETARY
TRANSPORT AUTHORITY
ASSAM
GHY- 22.

3:THE DIRECTOR OF TRANSPORT AUTHORITY
ASSAM
GHY- 35.

4:THE SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY- 6.

5:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GHY- 7.

6:THE INSPECTOR GENERAL OF POLICE
ASSAM
ULUBARI

GHY- 7.

7:THE COMMISSIONER OF FINANCE
ASSAM
DISPUR
GHY- 6.

8:THE DY. COMMISSIONER
UDALGURI
BTAD
ASSAM
PIN- 784509.

9:THE SUB DIVISIONAL OFFICER CIVIL
BHERGAON
DIST.- UDALGURI
ASSAM
PIN- 784509

Advocate for the Petitioner : MR. M R CHOUDHURY, MR. A HUSSAIN,MR M H AHMED,MS
C BORAH

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

20.08.2024

1. Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. S.S. Roy, learned counsel for the respondent nos.1, 4, 5, 6, 8 & 9. Ms. Y.A. Kopnyae, learned counsel appears on behalf of Ms. M.D. Borah, learned counsel for the respondent nos.2 & 3.

2. The petitioner is the owner of a traveller Mini Bus bearing registration no. AS-01/GC-0298. The petitioner is aggrieved by the non-payment of the requisition dues of his vehicle, which was requisitioned on 04.04.2015 and

29.01.2016, besides the vehicle being detained by the police on three occasions. The petitioner has made the following prayers in the writ petition :

“I. Directing the respondents to pay the bill for requisition of the vehicle done by the respondents on 04.04.2015 and 29.01.2015 to the petitioner.

II. Prohibiting/restraining the respondents from further requisitioning the petitioner’s vehicle bearing registration no. AS-01GC-0298 (Traveller) frequently and without payment of the bill for earlier periods of requisition of the vehicle.”

3. The petitioner’s counsel submits that he does not wish to press prayer no.2, inasmuch as, the same has become infructuous with lapse of time. However, with regard to the non-payment of the petitioner’s dues, he submits that paragraph-4 of the affidavit-in-opposition filed by the respondent no.9 shows that the petitioner is to be paid Rs.5,250/- which has not been paid due to insufficient funds, though requisition for the same had been made.

4. Mr. S.S. Roy, learned counsel appearing for the respondent nos.1, 4, 5, 6, 8 & 9 submits that the petitioner will be paid the admitted amount of Rs.5,250/- within 10 (ten) days from the date of receipt of a certified copy of this order.

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

6. The affidavit-in-opposition filed by the respondent no.9 in paragraph 4 has categorically admitted to the fact that the petitioner is liable to be paid Rs.5,250/- and the same has not been paid due to insufficient funds. The affidavit-in-opposition of the respondent no.9 had been filed on 24.05.2016. It is

surprising that even after the filing of the affidavit-in-opposition, the due amount has not been paid to the petitioner even after a lapse of 8 (eight) years.

7. In view of the admission made by the respondents that the petitioner is liable to be paid Rs.5,250/-, the respondents shall pay the same within 10 (ten) days from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant