

GAHC010144222024



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

**Case No. : WP(C)/3144/2024**

ANSUMWI NARZARY  
S/O- LT. GOSHI RAM NARZARY

VILL.- GOSSAIGAON  
P.O.- RANCHAIDHAM

P.S.- BASUGAON  
DIST.- CHIRANG

PIN- 783372.

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY

WATER RESOURCES DEPARTMENT TO THE GOVERNMENT OF ASSAM

DISPUR  
GUWAHATI- 781006.

2:THE BODOLAND TERRITORIAL COUNCIL  
REPRESENTED BY THE PRINCIPAL SECRETARY

KOKRAJHAR- 783370.

3:THE ADDL. PRINCIPAL SECRETARY  
BTC  
KOKRAJHAR- 783370.

4:THE ADDITIONAL CHIEF ENGINEER-CUM-COUNCIL HEAD OF THE  
DEPARTMENT

KOKRAJHAR ZONE W.R. DEPTT.  
BTC  
KOKRAJHAR- 783370.

5:THE ADDL. CHIEF ENGINEER  
KOKRAJHAR ZONE  
W.R. DEPTT.  
BTC  
KOKRAJHAR- 783370.

6:THE EXECUTIVE ENGINEER  
CHIRANG W.R. DIVISION  
KAJALGAON  
CHIRANG- 783385.

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Advocate for : MR. A BORO  
Advocate for : SC  
WATER RESOURCE appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**13.08.2024**

Heard Mr. A. Boro, learned counsel for the petitioner and Mr. R.K. Muchahary, learned counsel for the respondent Nos.2-6. Mr. C. Sarma, learned counsel appears for the respondent No.1.

2. Mr. A. Boro, learned counsel for the petitioner submits that this is the second round of litigation for payment of the petitioner's dues amounting to Rs.14,00,000/-. He submits that the petitioner approached this Court by way of WP(C) 6744/2021 which was disposed of on 31.01.2022, in terms of the order dated 17.12.2021 passed in WP(C) 6079/2021. In WP(C) 6079/2021, the respondents had been directed to consider the claim of the petitioner therein and to pay the admitted amount, in terms of the judgment of the Full

Bench of this Court in the case of ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1***. However, till date no payment has been made to the petitioner and the direction passed in WP(C) 6744/2021 has not been complied with. He submits that a fresh writ petition has been filed as the Section 20 of the Contempt of Courts Act, barred the filing of a contempt case.

3. Mr. R.K. Muchahary, learned counsel for the respondent Nos.2-6 submits that the petitioner's case had been considered by the BTC authorities in terms of the decision of this Court in ***Tamsher Ali(supra)*** and that the petitioner's claim for Rs.14 lakhs is found to be genuine. He has accordingly been put in Sl. No.55 of the list of persons against whom the BTC has pending liabilities. Further, the petitioner would be paid as per his serial number from the SOPD fund to be allocated to the BTC by the Government of Assam.

4. Mr. C. Sarma, learned counsel for the respondent No.1 submits that 50% of the SOPD funds for budget allocation to the BTC for the financial year 2024-25 has been given.

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

5. The letter No. BTC/F(Court Case)/103/2022/163 dated 09.08.2024 issued by the Secretary, BTC to the Senior Standing Counsel, BTC is to the effect that the BTC has received Rs.40150 lakhs from the Government of Assam, which is 50% of the SOPD funds for budget allocation to BTC for the financial year 2024-25, as first instalment. The letter further states that in principle, it has been agreed that a target of maximum 10% of the total SOPD fund would be allocated by the BTC, for paying the contractual dues of the BTC.

6. With regard to the time period for paying the admitted amount to the petitioner, Mr. R.K. Muchahary, learned counsel for the respondent Nos.2-6 submits that 4(four) months time period may be given for payment of the same to the petitioner.

7. In view of the stand of the respondent BTC that they are liable to pay Rs.14 lakhs to the petitioner and keeping in view the letter dated 09.08.2024 issued by the Secretary, BTC, the respondents are directed to pay to the petitioner the admitted amount of Rs.14 lakhs, within a period of 4(four) months from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**