

GAHC010140682024



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

Case No. : WP(C)/3574/2024

SUBIR PAUL
SON OF LT. HARENDRA PAUL,
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
CHIRANG
DISTRICT- CHIRANG
ASSAM

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

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

23.09.2024

1. Heard Mr. L. Mohan, learned counsel for the petitioner as well as Ms. U. Das, learned counsel for all the respondents.
2. The grievance of the petitioner is that he is a registered owner of vehicle bearing registration no. AS-16-AC-1184 (Winger) which was hired by the respondents between 2020 – 2021. However, the outstanding bill of the petitioner amounting to Rs.4,35,882/- has not been paid to the petitioner.
3. Ms. U. Das, learned counsel appearing for all the respondents submits that the admitted amount payable to the petitioner is Rs.3,76,688/-, as against the claim of Rs.4,35,882/- made by the petitioner. Ms. U. Das submits that the petitioner's claimed amount is not correct as the petitioner has wrongly made a claim for Bill No.14 twice, which is reflected in Annexure-A to the affidavit-in-opposition filed by the respondent no.3.
4. I have heard the learned counsels for the parties.
5. The petitioner has prayed for payment of hiring charges amounting to Rs.4,35,882/-. However, the respondents have taken a stand that the petitioner has made a double claim for Rs.56,925/-, this Court can only allow the admitted claim. The petitioner would have to approach efficacious alternative forum for

the amount that has not been admitted by the respondents, as the same would require recording of evidence. As the respondents have admitted that they are liable to pay Rs.3,76,688/- to the petitioner as hiring charges for his vehicle, the respondents are directed to pay the same 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