

GAHC010147342022



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

Case No. : WP(C)/4909/2022

SAHJAHAN LASKAR
S/O- LATE ABDUL WAHID LASKAR,
VILL- CHOUNGMAZI PATHER,
P.O- MOTHERTOLI,
DIST- HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE SECRETARY, TO THE GOVERNMENT OF ASSAM,
COOPERATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
GUWAHATI-5

4:THE DEPUTY COMMISSIONER
HOJAI
ASSAM
PIN-782435

5:THE SUPERINTENDENT OF POLICE
HOJAI
ASSAM

PIN-782435

6:THE OFFICER IN CHARGE
HOJAI POLICE STATION
HOJAI

DIST- HOJAI (ASSAM

PIN-78243

Advocate for the Petitioner : MS. R CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

26.04.2024

1. Heard Ms. R. Choudhury, learned counsel for the petitioner, who submits that the petitioner's vehicle bearing registration no. AS02Q 1462 had been hired by the District Administration, Hojai, for official use of the Hojai Police Station from 01.03.2016 to 02.05.2018. The petitioner thereafter submitted his bill amounting to Rs.8,61,654/-, out of which Rs.1,43,934/- was paid to the petitioner in the month of March, 2020. However, the balance amount of Rs.7,17,720 has not been given to the petitioner.

2. The petitioner's counsel submits that in terms of paragraph nos.5 & 6 of the affidavit-in-opposition filed by the Superintendent of Police, Hojai District, Assam, the respondents have admitted that they are liable to pay the petitioner Rs.7,92,044/-. Accordingly, a direction may be issued for payment of the admitted amount.

3. Mr. S.S. Roy, learned counsel for the respondents submits that as the petitioner is to be paid the admitted amount, the same can be paid to him.

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

5. A perusal of the pleadings show that while the petitioner has made a claim for payment of outstanding liability of Rs.7,17,720/-, the respondent no.5 has stated that Rs.7,92,044/- is payable to the petitioner.

6. It is clear that as there is an admitted liability payable to the petitioner, the petitioner would have to be paid the dues that are payable to him. The problem arises with the amount to be paid to the petitioner, keeping in view the fact that while the petitioner has claimed payment of Rs.7,17,720/-, the respondent no.5 has stated that the petitioner is liable to be paid Rs. 7,92,044/-.

7. Paragraph nos.5, 6 & 7 of the affidavit-in-opposition filed by the respondent no.5 is reproduced hereinbelow, as follows :

“5. That with regard to paragraph 5 the deponent states that the claim of Total amount of Rs. 9,44,504.00 was made against the said vehicle and against that Rs. 1,52,460.00 has already been paid. The amount yet to be paid is Rs. 7,92,044.00 (Seven Lakhs Ninety two thousand Forty four) only.

6. That with regard to paragraph 6 the deponent states that the bill sanctioned from Assam Police Head Quarter in this regard i.e. total Rs. 1,52,460.00 (Rupees One lakh fifty two thousand four hundred sixty) only

has already been paid.

7. That with regard to paragraph 7 the deponent states that Total amount yet to be paid in connection with above mentioned Writ petition relating to Hire charge for vehicle is Rs. 7,92,044.00 (Rupees Seven lakhs ninety-two thousand forty-four) only."

8. In view of the discrepancy in the amount of payment to be paid to the petitioner, the respondent nos.5 is directed to make a re-verification of the amount payable to the petitioner and pay the re-verified amount to the petitioner within a period of 3 (three) months, from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant