

GAHC010153972024



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

Case No. : WP(C)/3894/2024

KAMAL UDDIN MAZUMDER
SON OF LATE ATAUR RAHMAN MAZUMDER,
RESIDENT OF VILLAGE- BERANGA PART-IV,
P.O.- SILCHAR- 5,
DISTRICT- CACHAR, ASSAM,
PIN- 788005.

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
WATER RESOURCE DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
BASISTHA
GUWAHATI-29
ASSAM.

5:THE JOINT SECRETARY AND DEPUTY CEO

ASSAM STATE DISASTER MANAGEMENT AUTHORITY
ANCILLARY BLOCK
DISPUR
GUWAHATI-6.

6:THE SENIOR FINANCIAL ADVISOR
REVENUE AND DISASTER MANAGEMENT
ASSAM.

7:THE DEPUTY COMMISSIONER/ DISTRICT COMMISSIONER CUM
CHAIRPERSON
DISTRICT DISASTER MANAGEMENT AUTHORITY
CACHAR
SILCHAR.

8:THE ADDITIONAL CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CACHAR AND HILLS
SILCHAR
CACHAR
ASSAM.

9:THE EXECUTIVE ENGINEER
SILCHAR WATER RESOURCE DIVISION
CACHAR
ASSAM.

10:THE ACCOUNTS OFFICER
CACHAR WATER RESOURCE DIVISION
SILCHAR

Advocate for the Petitioner : MR. D CHAKRABARTY, MS D.CHAKRABARTY

Advocate for the Respondent : SC, WATER RESOURCE, SC, FINANCE DEPTT.,SC,
REVENUE,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

06.12.2024

1. Heard Mr. D. Chakraborty, learned counsel for the petitioner. Also heard Mr.

S. Dutta, learned counsel for the Revenue Department, Ms. U. Das, learned Counsel for the Deputy Commissioner/District Commissioner-cum-Chairperson, District Disaster Management Authority, Ms. D. Jain, learned counsel for the Water Resources Department and Mr. M. Bhuyan, learned counsel for the Finance Department.

2. Mr. D. Chakraborty submits that the petitioner was given contract works under the Water Resources Department for restoration of damages caused by 1st wave of floods in Cachar District. The petitioner's counsels submits that the contractual dues of the petitioner amounting to Rs.1,85,923.22 has not been paid to the petitioner.

3. Ms. D. Jain, learned counsel for the Water Resources Department submits that the claim of the petitioner has been found to be correct and the necessary documents have been sent to the District Disaster Management Authority for disbursement of the dues of the petitioner.

4. Ms. U. Das, learned Counsel for the Deputy Commissioner/District Commissioner-cum-Chairperson, District Disaster Management Authority submits that the necessary documents have thereafter been sent to the Revenue and Disaster Management Authorities for disbursement of the dues of the petitioner.

5. Ms. S. Dutta, learned counsel for the Revenue Department has submitted letter dated 03.09.2024, which is to the effect that the demand proposal against the claim has been received by the department and is under process, for release

of bills following due procedure.

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

7. The submission made by the counsels for the parties and the affidavit filed by the Water Resources Department goes to show that the amount claimed by the petitioner is an admitted amount. Further, in terms of the letter dated 03.09.2024 issued by the Joint Secretary to the Government of Assam, Revenue & D.M. Department, the demand proposal is under process for release of bills.

8. The letter dated 03.09.2024 issued by the Joint Secretary to the Government of Assam, Revenue & D.M. Department is made a part of the record and marked as Annexure-X.

9. In view of the above reasons, the Revenue & D.M. Department is directed to sanction the amount payable to the petitioner, within a period of 3 (three) months from the date of receipt of a certified copy of this order and the respondent no.7 shall thereafter disburse the same, within a further period of 1 (one) week.

10. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant