

GAHC010154862023



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

Case No. : WP(C)/4089/2023

TUTAN SAHA
W/O- KARTICK SAHA,
R/O- CHALTATALA, KOKRAJHAR TOWN,
WARD NO-4,
P.O- KOKRAJHAR,
P.S- KOKRAJHAR,
DIST- KOKRAJHAR (BTAD), ASSAM

VERSUS

THE STATE OF ASSAM AND 10 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPARTMENT
DISPUR, GHY-06.

2:THE BODOLAND TERRITORIAL AUTONOMOUS COUNCI
REP BY ITS PRINCIPAL SECRETARY
KOKRAJHAR
BODOFA NWGWR
BTR
ASSAM
PIN-783370

3:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06

4:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
HOME DEPARTMENT DISPUR
GHY-06.

5:THE DIRECTOR GENERAL OF POLICE
ASSAM
B.K KAKATY ROAD
ULUBARI
GUWHATI-07

6:THE ADDL. DIRECTOR GENERAL OF POLICE (ADMIN)
B.K KAKATY ROAD
ULUBARI
GUWHATI-07

7:THE ADDL. DIRECTOR GENERAL OF POLICE
BTAD
KOKRAJHAR
ASSAM

8:THE ADDL. INSPECTOR GENERAL OF POLICE (ADMIN)
ASSAM
B.K KAKATY ROAD
ULUBARI
GUWAHATI-07

9:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM

10:THE DISTRICT MAGISTRATE CUM DEPUTY COMMISSIONER
KOKRAJHAR (LAW AND ORDER)

DIST- KOKRAJHAR
ASSAM

11:THE MOTOR TRANSPORT OFFICER (MTO)
DIST- KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

14.05.2024

- 1.** Heard Mr. J.I. Borbhuiya, learned counsel for the petitioner and Ms. U. Das, learned Additional Senior Government Advocate, Assam for all the respondents.
- 2.** Having regard to the nature of the case projected by the petitioner, the writ petition is taken up for disposal at this stage.
- 3.** By filing this writ petition, the petitioner claims that an amount of Rs.60,52,116.00 is due to be paid to him on account of hiring of vehicles by the respondent authorities.
- 4.** The learned counsel for the petitioner submits that the same is an admitted liability and this Court in several cases have passed direction to the respondent authorities to examine such claims made by the party concerned and thereafter has directed to make the payment within a time frame. Therefore, a similar order may be passed in the instant case. In this regard, the learned counsel for the petitioner has drawn the attention of this Court to the orders passed in similar cases, which are annexed as Annexure-3 and Annexure-4 of the writ petition.
- 5.** Ms. U. Das, learned State Counsel submits that Full Bench of this Court in

Tamsher Ali vs. State of Assam & Others, reported in **2008 (4) GLT 1**.

has laid down the criteria and guidelines for payment of the outstanding liability and therefore, the instant case is covered by the said judgment. Therefore, she submits that a similar order can be passed in the instant writ petition.

6. Upon hearing the learned counsel for the parties and upon perusal of the material available on records, the writ petition is disposed of with a direction to the respondent nos. 6 & 9 to verify the claim made by the petitioner regarding the outstanding dues within a period of 4 (four) weeks from the date of receipt of a certified copy of this order. Upon such verification, if the claim is found to be genuine, the respondent nos.6 & 9 shall do the needful, in terms of the Full Court decision rendered in ***Tamsher Ali (supra)*** and ensure payment of the dues as expeditiously as possible.

7. With the above observations and directions the writ petition is accordingly disposed of.

JUDGE

Comparing Assistant