

GAHC010180452023



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

Case No. : WA/69/2024

MAMONI BORBORUAH BORGOHAIN
D/O- LATE JITEN BARBARUAH R/O- GHORAMARA CHARIALI, BARSAJAI,
NIRIBILI PATH, HOUSE NO. 8 P.O BELTOLA , P.S.- BASISTHA, DIST.-
KAMRUP M, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS. E
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, DEPTT.
OF PUBLIC ENTERPRISE, DISPUR, GHY- 6, ASSAM.

2:THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
DEPTT. OF INDUSTRY AND COMMERCE
DISPUR
GHY- 6
ASSAM.

3:THE SECY.TO THE GOVT. OF ASSAM
FINANCE A DEPTT.
DISPUR
GHY- 6.

4:THE DIRECTOR OF INDUSTRY AND COMMERCE
UDYOG BHAWAN
BAMUNIMAIDAM
GHY- 21.

5:THE MANAGING DIRECTOR
ASSAM POWERLOOM DEVELOPMENT CORPORATION LTD.
REP. BY ITS MANAGING DIRECTOR
MR. KAMAL GOSWAMI
R.G. BARUAH ROAD

GUWAHATI
PIN- 781005

Advocate for the Petitioner : MR. B PHUKAN

Advocate for the Respondent : SC, FINANCE

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

24.05.2024

(Vijay Bishnoi, CJ)

This Writ Appeal is filed by the appellant being aggrieved by the order dated 01.06.2023 passed by the learned Single Judge in WP(C) No.1451/2013. The appellant has approached this Court by way of filing the writ petition with the prayer to direct the respondents to pay the arrear amount due to his father who was an employee of the Assam Powerloom Development Corporation Ltd. It appears that in earlier litigation initiated at the instance of the father of the appellant, this Court had issued a direction for payment of the arrears to the father of the appellant. Later on, in those proceedings it was adjudicated that an amount of Rs.5,92,550.00 was to be paid to the father of the appellant. The learned Single Judge has observed that after deducting the House Building Advance as well as interest charges, a total amount of Rs.3,66,520/- was paid to the father of the appellant and he has furnished an undertaking on 15.05.2012 that he had no other entitlement from the respondent Corporation. The learned Single Judge has observed that once appellant's father has received the amount without any demurrer, the filing of the writ petition by the appellant is misconceived and therefore, no relief can be granted.

Having gone through the impugned order as well as the material available on record, we do not find any illegality in the impugned order passed by the learned Single Judge. Hence, this Writ Appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant