

GAHC010218072019



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

Case No. : WP(C)/6861/2019

SURJYA DAS

S/O- SHRI BHABA KANTA DAS, R/O- COTTON ROAD HAZARIKA CHUK, P.O.
AND P.S. TEZPUR, DIST- SONITPUR, PIN- 784001

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE ADDL. CHIEF SECY TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPTT., (RELIEF AND REHABILITATION
BRANCH), DISPUR, GHY-06

2:CHIEF ENGINEER
PWD RURAL ROADS DIVISION CHANMARI
GHY-3

3:DY. COMMISSIONER
SONITPUR
TEZPUR

4:EXECUTIVE ENGINEER
SONITPUR RURAL ROAD DIVISION
BISWNATH CHARIAL

Advocate for the Petitioner : MR R DHAR, MR B C MUCHAHARY

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

21.08.2024

1. Heard Mr. R. Dhar, learned counsel for the petitioner. Also heard Mr. J. Handique, learned counsel for the Revenue Department and Mr. S.R. Baruah, learned counsel for the respondent No.3.
2. The petitioner's case is that the petitioner had been given the contract work of constructing SPT Bridge No. 1/1:L= 24.00M, which was damaged by flood and more particularly, "FDR to Borguri Amala Pam, Napam Road, SPT Br. No. 1/1 (L=24.00M) under FDR for 2012-2013." The petitioner completed the work on 10.07.2012. However, as no payment for the bill amount of Rs.1,26,470/- was being made by the respondents, the petitioner filed the present writ petition.
3. The petitioner's counsel submits that as the respondent No.3 in his affidavit has admitted to the completion of the work done by the petitioner amounting to Rs.1,26,470/-, a direction should be issued to the respondent authorities to pay the admitted amount.
4. Mr. J. Handique, learned counsel for the Revenue Department submits that in terms of the work completion certificate issued by the Deputy Commissioner, Sonitpur, Tezpur, showing that the petitioner is to be paid Rs.1,26,470/-, the respondents would have to pay the same to the petitioner.
5. Mr. S.R. Baruah, learned counsel for the respondent No.3 submits that as it is admitted by the respondents that the petitioner is liable to be paid

Rs.1,26,470/-, the same would be paid to him, after the proposal sent to the Government for sanction and release of funds is approved by the Government, i.e., the Revenue Department.

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

7. Para 4 of the affidavit of the respondent No.3 is to the effect that the work completion report pertaining to the petitioner's contract work amounting to Rs.1,26,470/-, had been forwarded to the Addl. Chief Secretary to the Government of Assam, Revenue & Disaster Management Department (Relief & Rehabilitation Branch), Dispur, Guwahati, vide letter No. SLR.54/FDR/2014-15/310 dated 10.08.2016 issued by the Deputy Commissioner, Sonitpur, Tezpur. The letter dated 10.08.2016 appears to indicate that there is government sanction as per government sanction letter No.RGR.9/2013/19 dated 27.02.2013 for Rs.1,30,000/-.

8. In view of the admission made by the respondents that the petitioner is to be paid the admitted amount of Rs.1,26,470/-, the respondents shall ensure that necessary funds are made available and the admitted amount is paid to the petitioner within a period of 4(four) months from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly allowed and disposed of.

JUDGE

Comparing Assistant