

GAHC010225672023



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

Case No. : WP(C)/5897/2023

ANJANA GHOSH
W/O- RAJENDRA KUMAR GHOSH,
R/O- H.NO-28. ML BARUAH LANE,
SILPUKHURI, GUWAHATI-03

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY, TO THE GOVERNMENT
OF ASSAM, HOME DEPARTMENT,
DISPUR, GUWAHATI-6. ASSAM

2:THE DIRECTOR GENERAL OF POLICE
ASSAM ASSAM POLICE HEADQUARTERS
ULUBARI GUWAHATI-07

3:THE COMMISSIONER OF POLICE
KAMRUP (M)
GUWAHATI-01 ASSAM

4:THE MOTOR TRANSPORT OFFICER
OFFICE OF THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-0

Advocate for the Petitioner : MR J K Bhuyan, MR G BHARADWAJ,MS B GOGOI

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 13.11.2024

Heard Ms. B. Gogoi, learned counsel for the petitioner as well as Mr. K. Gogoi, learned counsel for all the respondents.

2. The petitioner has averred that she is the registered owner of four vehicles, bearing registration nos. (i) AS-24/C-1407, (ii) AS-01/CC-7100, (iii) AS-01/CC-4629 and (iv) AS-01/GC-1983. The petitioner has further stated that those four vehicles were hired by the office of the respondent no. 4 on different occasions and after such hiring, they were released later. The petitioner had submitted bills towards hiring charges in respect of the four vehicles to the respondent authorities. As the amount of Rs.42,32,251/- raised through those bills, have not yet been disbursed to the petitioner by the respondent authorities despite repeated requests, the petitioner has preferred the writ petition.

3. The petitioner's counsel submits that during the pendency of the writ petition, the petitioner has been paid Rs.7,10,325/- and as such, the balance amount payable to the petitioner is Rs.35,21,458/-.

4. Mr. K. Gogoi, learned counsel for the respondents submits that in terms of the affidavit filed by the respondent No. 3, the petitioner is to be given the outstanding balance amount of Rs. 35,21,458/-.

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

6. The extract of para 4 of the affidavit-in-opposition filed by the respondent No. 3 is to the following effect:-

“The Deponent further begs to mention herein that from the scrutiny of the above noted bills, it is found that the Petitioner has submitted an excess claim of Rs. 468/- (Rupees Forty Sixty Eight) only. The actual claim of the Petitioner is Rs.42,31,783/- (Rupees Forty Two Lakh Thirty One Thousand Seven Hundred Eighty Three) only out of which an amount of Rs.7,10,325/-(Rupees Seven Lakh Ten Thousand Three Hundred Twenty Five) has already been paid to the Petitioner. The proposal in respect of the remaining amount of Rs. 35,21,458 as stated above has already been forwarded to the office of the Director General of Police, Assam to accord sanction and allotment of the fund to make payment to the Petitioner. The Deponent also begs to state that as soon as sanction and allotment of fund is received from the authority, the same will be credited to the bank account of the petitioner.”

7. In view of the respondents admitting that they are liable to pay to the petitioner Rs.35,21,458/-, which has been sent to the office of the DGP, Assam, for according sanction and allotment of funds, the respondents are directed to pay to the petitioner the admitted amount, within a period of four months from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant