

GAHC010228642023



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

Case No. : WP(C)/6018/2023

MD. ANOWAR HUSSAIN
S/O LATE JABBAR ALI, R/O VILL- SANIADI, HAJO, P.O.-SANIADI, P.S.-HAJO,
DIST- KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVERNMENT
OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-6

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
STATE HOME DEPARTMENT
DISPUR
GUWAHATI-6

4:THE DEPUTY COMMISSIONER
UDALGURI
DIST-UDALGURI
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA, MR A HOSSAIN,MR. L MOHAN,MRS. K H
CHOUDHURY

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

25.09.2024

Heard Mr. L. Mohan, learned counsel for the petitioner. Also heard Mr. M. Chetia, learned State counsel representing the respondents.

It is the case of the petitioner that he is the registered owner of a vehicle bearing registration No. AS-25-H-8030 (Scorpio). It is the case of the petitioner that the said vehicle was requisitioned/hired by the respondent authorities on different occasions during the period from 2021 to 2023 for the purpose of counter insurgency operation in Udalguri district. Though the vehicle was released after such hiring/requisition, the bills submitted by the petitioner towards such hiring/requisition amounting to Rs. 9,04,574/- has not yet been disbursed to the petitioner. Hence the writ petition.

An affidavit has been filed on 19.09.2024 by the respondent No. 4 i.e. Assistant Commissioner, Udalguri. In the said affidavit, the respondent No. 4 has taken a stand that the claim of the petitioner for an amount of Rs. 9,04,574/- is not correct, however, the petitioner is entitled for a amount of Rs. 8,59,740/-. It is contended by Mr. Chetia, learned counsel for the respondent that amount will be paid when the sanction is approved by the General Administration Department, Government of Assam.

In view of the aforesaid admission of the respondents as regards entitlement of the petitioner for an amount of Rs. 8,59,740/-, the present writ petition is disposed of directing the respondent authorities to pay the amount admitted by the respondent authorities after due verification and within a period of six months from the date of receipt of the certified copy of this order passed today to be furnished by the learned counsel for the petitioner.

The respondent No. 4, shall pursue with the General Administrative Department and the Finance Department, Government of Assam in this regard and it is expected that the GAD and the Finance Department shall do the needful for release of the admitted amount after verification on their part.

This disposes the writ petition.

JUDGE

Comparing Assistant