

GAHC010238322023



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

Case No. : WP(C)/6196/2023

SAYER DEVI GIRIA
W/O SAGARMAL JAIN AND R/O J D ROAD WARD NO. 5 P.O. AND
KOKRAJHAR PIN 783370

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP BY THE COMMISSIONER AND SECRETARY DEPTT OF HOME DISPUR
GUWAHATI 6

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI GUWAHATI ASSAM PIN-781007

3:THE BODOLAND TERRITORIAL COUNCIL
REP BY THE PRINCIPAL SECRETARY KOKRAJHAR

4:THE SUPERINTENDENT OF POLICE
KOKRAJHA

Advocate for the Petitioner : MR. A LAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

29.05.2024

1. No one appears for the petitioner now though Mr. M. Pandit, learned counsel had appeared for the petitioner at 10:15 a.m. asking for adjournment of

this case. Mr. M. Pandit had been informed that the matter was being disposed of, as the claim of the petitioner had been admitted by the State respondents.

2. Mr. K. Gogoi, learned counsel appearing for all the respondents submits that the hiring charges of vehicle amounting to Rs.30,32,366/- is admitted by the respondents, as can be seen from paragraph-7 of the affidavit-in-opposition filed by the respondent no.5. He however submits that out of the admitted amount of Rs.30,32,366/-, 2% of the total amount is to be deducted, amounting to Rs.98,862/-. He submits that the respondents are accordingly liable to pay to the petitioner an amount of Rs.29,33,504/-, as negotiations were made and settlement was arrived at between the petitioner and the respondents to deduct 2% from the total liability amount.

3. I have heard the learned counsel for the respondents and perused the pleadings.

4. The case of the petitioner is that she is a registered owner of a vehicle bearing registration no. AS-16/F-1888. It has been averred that during the period from 01.08.2017 – 30.06.2022, the office of the respondent no. 4 had requisitioned the said vehicle on a number of occasions and thereafter released them on different dates. The petitioner had thereafter, submitted bills towards hiring charges amounting to Rs. 30,32,366/-, including daily allowance of the driver/staff and the Value Added Tax. It is averred that despite repeated requests to the respondent authorities seeking disbursement of the due amount, the respondent authorities did not take any action for disbursement of the bill amount. The petitioner was thus constrained to approach this Court by way of this writ petition, seeking disbursal of the due amount.

5. The affidavit of the respondent no.4, who is the Superintendent of Police,

Kokrajhar, is to the effect that the respondents are liable to pay Rs. 30,32,366/- to the petitioner. However, after negotiations were made with the petitioner, deduction of 2% was to be made from the total admitted amount and in this regard, a Self Declaration was made by the petitioner, which is at Annexure-A, showing that he had agreed to the deduction of 2% from the total claimed amount.

6. The original claim of the petitioner was Rs. 30,32,366/-. However after deducting 2% from the total amount, the amount payable to the petitioner would be Rs.29,33,504/-. The affidavit of the respondent no.4 further states that as the respondent no.4 had no authority to sanction the amount claimed as hiring charges, the bills were forwarded to the Assam Police Headquarter, Ulubari, Guwahati for according necessary sanction and release of fund.

7. In view of the admission made by the respondents that they are liable to pay the petitioner Rs.29,33,504/-, the respondents are directed to release the said negotiated amount of Rs.29,33,504/-, within a period of 3 (three) months from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant