

GAHC010259262024



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

Case No. : WP(C)/6655/2024

SHANTI BORAH AND 2 ORS.
W/O- LATE RAM BORAH, R/O- BOIRAGIMATH, P.O. BOIRAGIMATH, DIST.
DIBRUGARH, ASSAM, PIN- 786001.

2: SHANTANU BORAH
S/O- LATE RAM BORAH
R/O- BOIRAGIMATH
P.O. BOIRAGIMATH
DIST. DIBRUGARH
ASSAM PIN- 786001.

3: PALLAVI BORAH KALITA
D/O- LATE RAM BORAH
R/O- BOIRAGIMATH
P.O. BOIRAGIMATH
DIST. DIBRUGARH
ASSAM PIN- 786001

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-781006.

2: THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI GUWAHATI-3 ASSAM

3: THE ADDITIONAL CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
UPPER ASSAM ZONE
PALTANBAZAR
DIBRUGARH-786001 ASSAM

4:THE SUPERINTENDENT ENGINEER
WATER RESOURCE DEPARTMENT
NAGHAGHULI MAIJAN PROTECTION CIRCLE
PALTANBAZAR DIBRUGARH-786001 ASSAM

5:THE EXECUTIVE ENGINEER
WATER RESOURCE DEPARTMENT
PALTANBAZAR
DIBRUGARH-786001 ASSAM

6:THE ASSISTANT EXECUTIVE ENGINEER
WATER RESOURCE DEPARTMENT
EAST WATER RESOURCE SUB-DIVISION
PALTANBAZAR
DIBRUGARH-786001 ASSAM

7:THE DEPUTY COMMISSIONER
DIBRUGARH DISTRICT
MANCOTTA ROAD
RAILWAY COLONY
DIBRUGARH-786003 ASSA

Advocate for the Petitioner : MR. M K CHOUDHURY, MR P BHARDWAJ,MR. M SARMA

Advocate for the Respondent : GA, ASSAM, SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 13.12.2024

Heard Mr. M. K. Choudhury, learned Senior counsel for the petitioners, who submits that the petitioners had been given a work order by the Water Resource Department, which has been duly completed by the petitioners. However, as the contractual dues of the petitioners had not been paid, the petitioners filed WP(C) 4329/2019, which was disposed of, vide order dated 27.09.2022, with a direction to the respondents to make a verification and complete the process for payment of the admitted amount.

- 2.** Subsequent to the above order passed in WP(C) 4329/2019, the petitioner filed Cont.Cas(C) 45/2024, due to non-compliance of the direction passed in WP(C) 4329/2019. The contempt petition was however withdrawn with liberty to file afresh, vide order dated 22.01.2024.
- 3.** The petitioners' counsel submits that though part-payment had been made, the petitioners are still to receive an amount of Rs.40,50,921/-.
- 4.** Ms. D. Jain, learned counsel for the Water Resources Department submits that the fund for the scheme in which the petitioners had worked, is funded by the Central Government and the State Government, on a ratio of 80:20%. She submits that the Brahmaputra Board also has a major role to play, as it verifies the work done by the petitioners and is a conduit between the Water Resources Department and the Ministry of Jal Shakti. She accordingly submits that Ministry of Jal Shakti and the Brahmaputra Board have to be made parties to the writ petition.
- 5.** Mr. M. K. Choudhury, learned Senior counsel for the petitioners submits that in view of the submission made by Ms. D. Jain, learned counsel for the Water Resources Department, he would like to withdraw the writ petition, with liberty to file afresh.
- 6.** The prayer of the petitioner's counsel is allowed.
- 7.** Accordingly, this writ petition is dismissed as withdrawn, with liberty as prayed for.

JUDGE

Comparing Assistant