

GAHC010260072023



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

Case No. : Cont.Cas(C)/694/2023

KALU UDDIN CHOUDHURY
S/O- JUNAB ALI CHOUDHURY.
PERMANENT R/O- 214, WARD NO-4, KRISHNA NAGAR, NEAR MASJID,
P.O AND P.S- LUMDING,
DIST- HOJAI, ASSAM, PIN-782447

VERSUS

PABAN KUMAR BORTHAKUR AND 7 ORS
THE STATE OF ASSAM,
REP. BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI-06

2:ASIM KUMAR BHATTACHARYA
THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06

3:NIRAJ VERMA
THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-06
ASSAM

4:DEBA PRASAD MISRA
THE SECRETARY TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06

5:GYANENDRA PRASAD SINGH
THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTER AT B.K KAKOTY ROAD
ULUBARI
GUWAHATI-07
ASSAM

6:NITUL GOGOI
THE INSPECTOR GENERAL OF POLICE (ADMN)
B.K KAKOTY ROAD
ULUBARI
GUWAHATI-07
ASSAM

7:SAURABH GUPTA
THE SUPERINTENDENT OF POLICE

DIST- HOJAI AT SANKARDEV NAGAR

PIN-782442
ASSAM

8:SUSHANTA SINHA
THE MOTOR TRANSPORT OFFICER (MTO)

DIST- HOJAI AT SANKARDEV NAGAR
PIN-782442
ASSA

Advocate for the Petitioner : MR H K J AHMED, MS. D SINHA,MR S.H. CHOUDHURY,P.
SWARGIARY,MR R YASIN,MR. S N KRISHNATRAYA

Advocate for the Respondent : MR. A DAS (R-1), O ASSUMI (R-5),MR. D NATH (R-5),MS. B
TALUKDAR (R-2),MS G BORA (R-2),MR. M BHAGABATI (R-2),MS. M DEVI (R-1)

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

07.08.2024

No one appears for the petitioner on call.

2. It is also noticed that the petitioner had not been represented on the last two dates.

3. This Court vide order dated 21.02.2022 passed in WP(C) 7394/2021 had directed the respondents to release the hiring charges of the vehicle to the petitioner, by following the provisions of law laid down in the case of ***Tamsher Ali Vs. State of Assam***, reported in ***2008 (4) GLT 1***.

4. Mr. D. Nath, learned Addl. Sr. Government Advocate appearing for the respondent No.5 has submitted a letter dated 05.08.2024 issued by the S.P. Hojai, Assam, which is to the effect that all the payments due to the petitioner has already been paid.

5. Mr. M. Bhagawati, learned counsel appearing for the respondent No.2 had earlier submitted a letter dated 19.03.2024 issued by the S.P., Hojai, which stated at Para 2 that financial sanction had been received for Rs. 14,07,398/- and the bill had been submitted to the Treasury on 13.03.2024. Further, financial sanction for Rs.5,14,824/- had been received vide letter dated 05.03.2024.

6. Mr. A. Das, learned counsel appearing for the respondent No.1 submits that the respondent No.1 is no longer the Chief Secretary to the Government of Assam.

7. The letter dated 05.08.2024 submitted by the S.P., Hojai states that the outstanding amount of Rs.19,32,222/- had been paid to the petitioner.

8. Mr. D. Nath, learned counsel for the respondent No.5 submits that there is

a typographical error in the letter dated 05.08.2024, inasmuch as, the amount of Rs.19,32,222/- should be read as Rs.19,22,222/-.

9. The contents of the letter dated 05.08.2024 issued by the S.P., Hojai is reproduced hereinbelow as follows:-

“Sub: Cont. Case (C) No.694/2023

(Kalu Uddin Choudhury -vs- State of Assam & 7 ors)

Ref: (i) Memo No. LB/Cont. Case (C) No. 694/23/2024/76 /151 Dt. 23-07-2024.

(ii) Memo No.SR/GA/DN/2024/6244 Dt. 19-07-2024.

Sir,

With reference to the subject cited above, I have the honour to furnish herewith the payment status in connection with Cont. Case (C) No. 694/2023 (Kalu Uddin Choudhury -vs- State of Assam & 7 ors).

Accordingly from the outstanding amount of Rs. 19,32,222/- (Nineteen lakhs thirty two thousand two hundred twenty two) only financial sanction for Rs. 14,07,398/- (Rupees Fourteen lakhs seven thousand three hundred ninety eight) only paid to the petitioner vide sanctioned Memo No.FS/POL_2023-24(1)_4953 dtd. 04.03.2024 and the Bill was submitted to Treasury vide Bill No. 417 dtd. 13-03-2024 and remaining amount of Rs. 5,14,824/- (Rupees Five lakhs fourteen thousand eight hundred twenty four) only was paid to the petitioner vide sanctioned Memo No. FS/POL_2024-25(1)_208 dtd. 17.05.2024 and the Bill was submitted to Treasury vide Bill No. 116 dtd. 17.07.2024.

Submitted for favour of your kind perusal.”

10. The letter dated 05.08.2024 issued by the S.P., Hojai is also made a part of the record along with all it's annexures and marked as Annexure-X collectively.

11. In view of the letter dated 05.08.2024 issued by the S.P., Hojai, wherein it

has been stated that all the dues payable to the petitioner has been paid, the contempt petition stands closed.

JUDGE

Comparing Assistant