

GAHC010261462017



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

Case No. : WP(C)/4570/2017

HIRA GOGOI
S/O- LATE KHAGEN GOGOI, R/O- BORBARI CHARIALI, VIP ROAD, P.O-
HENGRABARI, P.S- DISPUR, GUWAHATI- 38

VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
FOREST DEPARTMENT, DISPUR, GUWAHATI- 06

2:THE ASSISTANT CONSERVATOR OF FOREST
ASSAM
REHABARI
GUWAHATI- 781008

3:THE DIVISIONAL FOREST OFFICER
KAMRUP WEST DIVISION
BAMUNIGAON
DIST- KAMRUP
ASSAM

4:THE RANGE OFFICER
BAMUNIGAON RANGE
KAMRUP
ASSA

For the petitioner (s) : Mr. B. K. Gogoi, Advocate

For the respondent (s) : Mr. N. Goswami, Advocate
Mr. I. Borthakur, SC, Forest

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

12.02.2024

The instant writ petition has been filed by the petitioner seeking a writ from this Court for setting aside and quashing the order dated 23.06.2017 and also a direction to that effect directing the respondents to allow the petitioner to complete the work as per the work order dated 23.06.2017.

2. From a perusal of the materials on record it reveals that on 23.06.2017, the Divisional Forest Officer, Kamrup West Division had issued a Letter of Acceptance-cum-Notice to proceed with the work for utilization of surplus amount for providing additional facilities in Forest Guard Quarter at Santipur under Bamunigaon, package No.FIU/KW/CW/2. The total amount as per the said communication was Rs.2,69,099/-. It has been stated that in the writ petition that the petitioner had purchased certain materials on the basis of the said work order issued which have been enclosed to the writ petition as Annexure Nos.3 &4. Further to that it has also been mentioned that certain works were duly carried out and to evidence the same, photographs have been enclosed as Annexure-5 to the writ petition. However, on the very date, i.e. on 23.06.2017 when the work order was issued, the Divisional Forest Officer, Kamrup West Division had cancelled the work order and it is under such circumstances the cancellation of the work order on 23.06.2017 has been assailed before this

Court and seeking for the direction as already stated herein above.

3. The record reveals that an affidavit-in-opposition was filed by the respondent No.3 stating inter-alia that on 23.06.2017, the work order was issued in favour of the petitioner and he was asked to complete the work by 30.06.2017. However, after issuance of the work order, the authority concerned took into account that in the previous work which was awarded to the petitioner there was a delay on the part of the petitioner to complete the same and under such circumstances on the very date of issuance of the work order, the work order was cancelled. It was also mentioned that the cash memos which have been enclosed to the writ petition to show that the petitioner has purchased the materials in question are irrelevant taking into account that during inspection no stock of materials as per the cash memos were seen at the site. Further to that it was mentioned that the photographs furnished by the petitioner was for the works done against the estimate of the existing building and not the additional facility of the water supply as claimed by the petitioner. It was therefore stated that the photographs submitted by the petitioner are not genuine.

4. This Court has also taken into consideration that the said affidavit-in-opposition was filed on 07.11.2017, but till date there has been no reply. Under such circumstances, it has to be presumed that either the petitioner had duly accepted the statement made in the affidavit-in-opposition or the claim of the petitioner is seriously disputed.

5. Considering the above, this Court finds no ground to interfere with the impugned order dated 23.06.2017 whereby the work order of the same date was cancelled.

6. In that view of the matter, the instant writ petition therefore stands dismissed.

7. Be that as it may, if the petitioner is otherwise aggrieved, he would be at liberty to approach the appropriate forum wherein factual adjudication can be carried out without prejudice to the dismissal of the instant writ petition.

JUDGE

Comparing Assistant