

GAHC010277382018



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

Case No. : WP(C)/8656/2018

PRABHAT CHOUDHURY
S/O- LT BABULI CHOUDHURY, R/O- NATUNGAON, P.O. BISWANATH GHAT,
DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
THROUGH THE SECY. TO THE GOVT. OF ASSAM, IRRIGATION DEPTT.,
DISPUR, GHY-6

2:THE CHIEF ENGINEER
IRRIGATION DEPTT.
ASSAM
CHANDMARI
GHY-3

3:THE EXECUTIVE ENGINEER
ITAKHOLA DIVISION (IRRIGATION) ITAKHOLA
DIST- SONITPUR
ASSAM

4:THE ASSTT. EXECUTIVE ENGINEER
SEIJUSA SUB DIVISION (IRRIGATION)
SEIJUSA
DIST- SONITPUR
ASSA

Advocate for the Petitioner : MR. S C BISWAS, MS S SENGUPTA,MS A BORAH

Advocate for the Respondent : SC, IRRIGATION,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

28.10.2024

1. Heard Ms. A. Bora, learned counsel for the petitioner and Mr. N. Upadhyay, learned counsel for the Irrigation Department.
2. The petitioner's case is that the petitioner was allotted contractual work namely "Reconstruction of Bordikarai Irrigation Scheme under one time Central Assistance for 2004-2005 renovation of Bye Pass Channel at Ch.3950M" valued at Rs.4,30,846/-. After completion of the contractual work, the petitioner submitted his bill amounting to Rs.4,30,846/-. However, the said amount has not been paid to the petitioner till date.
3. Mr. N. Upadhyay, learned counsel for the Irrigation Department has submitted letter no.SDI/Court Case/73/2022/1454 dated 28.10.2024 issued by the Executive Engineer, Sootea Division (Irrigation), which is to the effect that there is no record traced till date in the Division regarding the petitioner's work order and bill. The contents of the letter dated 28.10.2024 is reproduced hereinbelow, as follows :

"Sir,

With reference to the subject cited above, I have the honour to inform you that, there is no record traced till date in this Division regarding Work Order and Bill in respect of Prabhat Choudhury, Contractor of erstwhile Itakhola Division (Irrigation), Itakhola.

This is for favour of your kind information and necessary action."

4. The said letter dated 28.10.2024 is made a part of the record and marked as Annexure-X.
5. Due to the letter dated 28.10.2024, this Court is of the view that the said issue requires facts to be proved and as such, liberty is given to the petitioner to approach the Civil Court for redressal of his grievance as per the law.
6. The writ petition is accordingly closed.

JUDGE

Comparing Assistant