

GAHC010282922019



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

Case No. : WP(C)/8675/2019

LAKHIMAI DEKA
W/O. MANMOHAN DEKA, R/O. BISHNU RABHA NAGAR, P.O. AND P.S.
NOONMATI, DIST. KAMRUP (M), GUWAHATI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 12 ORS.
REP. BY THE HOME SECRETARY TO THE GOVT. OF ASSAM, HOME DEPTT.,
DISPUR, GUWAHATI-781006.

2:THE CHIEF SECRETARY

GOVT. OF ASSAM
DISPUR
KAMRUP (M)
GUWAHATI-781006.

3:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
GUWAHATI-781007.

4:THE COMMISSIONER OF TRANSPORT

GOVT. OF ASSAM
KHANAPARA
GUWAHATI-781022.

5:THE DY. COMMISSIONER

KAMRUP (M)

GUWAHATI-781001.

6:THE SUPDT. OF POLICE

KAMRUP (M)
GUWAHATI-781001.

7:THE UNION OF INDIA

REP. BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF HOME AFFAIRS
DEPTT. OF HOME
NEW DELHI-110001.

8:THE STATE OF MANIPUR
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
MANIPUR
TRANSPORT DEPTT.
IMPHAL.

9:THE SUPDT
OF POLICE /CMTW
1ST M.R.
IMPHAL TRANSPORT COMMITTEE
IMPHAL.

10:THE ASSTT. COMMANDANT

TRANSPORT COMMITTEE
CECR (SAE-2017)
MANIPUR
IMPHAL.

11:THE DISTRICT TRANSPORT OFFICER

DIST. KARBI ANGLONG
ASSAM
DIPHU
ASSAM.

12:THE SECRETARY

GUWAHATI TRANSFOR ASSOCIATION (GTA) GUWAHATI GOVERNMENT
PRESS ROAD
BAMUNIMAIDAM
GUWAHATI-
781 021
DIST.- KAMRUP (METRO)

ASSAM

Advocate for the Petitioner : MR. P B MAZUMDER

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 13-03-2024

Heard the learned counsel for the parties.

The present writ petition is filed with a claim that a city bus bearing registration No.AS 01 AC 3911 was requisitioned by the District Administration, Kamrup (M) and was taken to Imphal, Manipur for the purpose of election duty during the General Election of Manipur Legislative Assembly, 2017.

The said vehicle met with an accident and it was severely damaged. Though the vehicle was insured with New India Assurance Company up to 08.03.2017, however, as the vehicle was under custody of the respondent, the insurance policy was not extended after its expiry on 08.03.2017. Accordingly the petitioner claim for compensation from the respondents and the petitioner has assessed damage of the vehicle to be at Rs.4,82,400.00 in the writ petition.

During the course of hearing the learned counsel for the respondent Nos.8, 9 and 10 has submitted that the respondent Nos.8 and 9 and the petitioner has settled the matter out of the court and the respondent DGP of the State of Manipur, in terms of such settlement dated 22.02.2023, has already made payment of

Rs.4,50,000 to the petitioner by a cheque bearing No.268743 dated 16.02.2023 drawn on State Bank of India.

The learned counsel representing the DGP has also produced a copy of the deed of settlement dated 22.02.2023 and a receipt of such amount issued by the petitioner namely Lakhimai Deka.

The learned counsel for the petitioner, however, submits that he has not been instructed regarding such development by the petitioner.

In the aforesaid backdrop and in the considered opinion of this court, nothing survives to be adjudicated in this matter. Accordingly the same stands closed.

The communication dated 13.03.2023 issued by the Superintendent of Police, CMTW, Imphal, Manipur, the money receipt dated 20.02.2023 and the deed of settlement dated 22.02.2023 are kept on record. However, it is made clear that if the aforesaid facts of settlement and payment of money are not correct, the petitioner shall be at liberty to seek review of this order.

JUDGE

Comparing Assistant