

GAHC010285472023



2024:GAU-AS:11232

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

Case No. : WP(C)/7361/2023

JINTI ARA BEGUM
D/O ANOWAR HUSSAIN
R/O VILL- SANIADI, HAJO
P.O. SANIADI, P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMMISSIONER AND SECRETARY GOVT. OF ASSAM, HOME
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE ADDITIONAL CHIEF SECRETARY

TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
STATE HOME DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DIRECTOR GENERAL OF POLICE

ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-7.

5:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (ADMN)

ASSAM
B.K. KAKOTY ROAD
ULUBARI
GUWAHATI-7.

6:THE ADDITIONAL INSPECTOR GENERAL OF POLICE (ADMN)

ASSAM
B.K. KAKOTY ROAD
ULUBARI
GUWAHATI-7.

7:THE DISTRICT MAGISTRATE -CUM-DEPUTY COMMISSIONER

KAMRUP
(LAW AND ORDER)
DIST. KAMRUP (R)
ASSAM

8:THE SUPERINTENDENT OF POLICE

KAMRUP
AMINGAON

ASSAM

9:THE MOTOR TRANSPORT OFFICER

KAMRUP
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA, MR A HOSSAIN,MR. L MOHAN,MRS. K H CHOUDHURY

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

18.11.2024

Heard Mr. A. Hossain, learned counsel for the petitioner. Also heard Mr. K.

Gogoi, learned Addl. Sr. Government Advocate appearing for the State respondents.

2. By way of this writ petition under Article 226 of the Constitution of India the petitioner is seeking release of the admitted amount of Rs.4,98,440.25/- (Rupees Four Lakhs Ninety Eight Thousand Four Hundred Forty and Two Five paisa), as due to be paid to him by the authorities on the basis of the vehicle hired by them as per requirement.

3. It appears that the petitioner is the registered owner of a vehicle bearing registration No.AS-25-BC-3933 (Scorpio), which was hired by the respondents on different dates in the year 2022-23 for the purpose of maintaining law and order situation etc. in the district of Kamrup and also released on different dates after utilizing the same for different period of time. It further appears that the petitioner submitted her bill after the release of her vehicle, which is amounting to Rs.4,98,440.25/- (Rupees Four Lakhs Ninety Eight Thousand Four Hundred Forty and Two Five paisa). Since no payment was made, the petitioner has filed the instant writ petition.

4. During the pendency of the writ petition, the respondent No.8 (Superintendent of Police, Kamrup) has filed an affidavit-in-opposition on 07.08.2024, wherein the respondent has clearly admitted that the aforesaid amount of Rs.4,98,440.25/- (Rupees Four Lakhs Ninety Eight Thousand Four Hundred Forty and Two Five paisa) is due to the petitioner.

5. Paragraph Nos.6, 7 & 8 of the aforesaid affidavit-in-opposition are

reproduced hereunder for ready reference:-

“6. That with regard to the statement made in paragraph No. 4 to the Writ Petition, the answering deponent begs to state that the fact is that the vehicle No. AS 25 BC/3933 of the petitioner was requisitioned (as per office records) and released as under:

<i>Sl No.</i>	<i>Vehicle Regd.</i>	<i>Type Vehicle</i>	<i>Date of requisition</i>	<i>Date of release</i>	<i>No. days</i>
1	AS25BC/3933	Scorpio	01-07-2022	31.12.2022	184
2	AS25BC/3933	Scorpio	01-01-2023	31.03.2023	90

The liability against the vehicle stands as under:

<i>Sl. No.</i>	<i>Vehicle Regd.</i>	<i>Type Vehicle</i>	<i>No. of day</i>	<i>Total Payable</i>
1	AS25BC/3933	Scorpio	184	Rs.3,34,719/-
2	AS25BC/3933	Scorpio	90	Rs.1,63,721/-

7. That with regard to the statement made in paragraph No. 5 to the Writ Petition, the answering deponent begs to state that this Respondent has written a proposal vide Memo No. KMP/MT/Hire- Veh/2023/446 dated 11-01-2024 to the Asstt. Inspector General of Police (Admn.) for payment of dues of the petitioner but as of date sanction and funds have but been received from APHQ. As soon as the funds, sanction etc. are received from APHQ, the dues shall be cleared.

8. That with regard to the statement made in paragraph No. 6 to the Writ Petition, the answering deponent begs to state that the amount of Rs. 4,98,440.25/- is admittedly due to the petitioner.”

6. Mr. A. Hossain, learned counsel for the petitioner submits that in view of

the categorical admission on behalf of the respondents, the writ petition can be disposed of with a direction to release the aforesaid admitted amount.

7. Mr. K. Gogoi, learned Addl. Sr. Government Advocate also fairly submits that in terms of the aforesaid paragraphs as contained in the said affidavit-in-opposition filed by the respondent No.8, the writ petition can accordingly be disposed of.

8. I have heard the learned counsel for the parties.

9. In view of the aforesaid endorsements made by the learned counsel for the parties and the admission as contained in Paragraph No.8 of the affidavit-in-opposition extracted hereinabove filed by the respondent No.8 on 07.08.2024, this Court in the interest of justice is inclined to dispose of this writ petition by directing the respondent authorities to release the admitted amount of Rs.4,98,440.25/-(Rupees Four Lakhs Ninety Eight Thousand Four Hundred Forty and Two Five paisa) to the petitioner within a period of 3(three) months from the date of receipt of a certified copy of this order.

10. Ordered accordingly.

11. The writ petition stands disposed of.

JUDGE

Comparing Assistant