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

Case No. : WP(C)/3262/2026

M/S RUMANA OFFSET PRESS
REPRESENTED BY ITS PROPRIETOR AZIZUR RAHMAN, AGED ABOUT 55 YEARS,
R/O, G.T.B ROAD, WARD NO.- 9, P.O, P.S. AND DISTRICT- DHUBRI, ASSAM, PIN-783301

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
JURIPAR
PANJABARI GUWAHATI-37.

3:THE SECRETARY
ASSAM STATE ELECTION COMMISSIONER
DISPUR
GUWAHATI-06.

4:THE DISTRICT COMMISSIONER
DHUBRI
PANCHAYAT BRANCH
DHUBRI
ASSAM.

5:THE ADDL. DISTRICT COMMISSIONER -CUM- I/C- BALLOT PAPER CELL
PANCHAYAT ELECTION-2025
DHUBRI

DISTRICT - DHUBRI
ASSA

Advocate for the Petitioner : F K R AHMED, MRS. H THAKURIA,J UDDIN

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

22.06.2026

Heard Shri F.K.R. Ahmed, learned counsel for the petitioner, who by this petition has prayed for release of contractual bills amounting to Rs. 84,48,366/-.

Shri Ahmed, learned counsel for the petitioner has submitted that the work has been completed in terms of various work orders issued by the respondent no. 5 and part payment has also been made.

On the other hand, Shri S.R. Boruah, learned State Counsel, Assam and Shri S. Dutta, learned Standing Counsel, P&RD Department, Assam have submitted that there is no acknowledgment of liability of the Chief Engineer/ Head of the Department as laid down by the Hon'ble Full Bench of this Court in the case of ***Tamsher Ali & Ors. Vs. State of Assam & Ors.***, reported in **2008 (4) GLT 1**.

A Writ Court being a Court not of facts would not go into the questions involving disputed facts and those relating to claim of contractual dues. However, the Hon'ble Full Bench in the aforesaid case of ***Tamsher Ali*** (*supra*) had laid down certain exceptions and one of the essential conditions is to have an acknowledgment in writing of the liability from the Chief Engineer/ Head of the Department which is, admittedly not there in the instant case.

Accordingly, this Court is of the view that under the aforesaid circumstances, this writ petition cannot be entertained which is accordingly dismissed.

The dismissal of this writ petition, however, shall not be an impediment on the part of the petitioner to approach the appropriate Court for redressal of the grievance in accordance with law.

JUDGE

Comparing Assistant