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

Case No. : WP(C)/4104/2026

SRI PRADIP KHARGHARIA
S/O MANIK KHARGHARIA, R/O BORIGAON NIMATI ROAD, P.O. AND P.S. BHOGDOI, DIST. JORHAT, ASSAM, PIN 785001.

VERSUS

THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM AND 4 ORS
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GHY- 06

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR, GUWAHATI-06

3:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
CHANDMARI
GUWAHATI-03

4:THE EXECUTIVE ENGINEER
UPPER ASSAM ZONE
WR DEPARTMENT
DIBRUGARH, ASSAM, PIN-786001

5:THE ADDITIONAL CHIEF ENGINEER
UPPER ASSAM ZONE
WR DEPARTMENT, DIBRUGARH, ASSAM
PIN-78600

Advocate for the Petitioner : MR. R BORUAH,
Advocate for the Respondent : SC, REVENUE,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

05.08.2026

Heard Shri R. Boruah, learned counsel for the petitioner as well as Shri Satyajit Dutta, learned Standing Counsel, Revenue Department.

The matter pertains to a claim for contractual dues and in this regard, the learned counsel has relied upon a liability statement obtained under the RTI.

Shri Dutta, the learned Standing Counsel has however pointed out that the liability statement is not in accordance with the guidelines laid down by the Hon'ble Full Bench in the case of ***Tamsher Ali Vs State of Assam*** reported in ***2008 (4) GLT 1*** as the acknowledgment of the liability is not by the Chief Engineer. He has also submitted that the work is of the year 2012.

Prima facie, the writ petition on the present subject would not be entertainable as per the guidelines of the Hon'ble Full Bench.

At this stage, Shri Boruah, learned counsel has submitted that he may be allowed to withdraw the writ petition with liberty to approach the appropriate forum.

Writ petition is accordingly dismissed on withdrawal with liberty as prayed for.

It is however made clear that if any such approach is made, the same has to be considered strictly in accordance with law.

JUDGE

Comparing Assistant