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

Case No. : WP(C)/4537/2026

RASHIDA KHATUN
W/O SAHAD ALI SK, R/O ARIFULLA ROAD, WARD NO 4, DHUBRI TOWN, P.O. AND P.S. DHUBRI, DISTRICT DHUBRI, ASSAM, PIN CODE 783301

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH - THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI -781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
POLICE HEAD QUARTER
ULUBARI
GUWAHATI- 781007

4:THE DISTRICT COMMISSIONER
DHUBRI
PIN CODE 783301
DISTRICT- DHUBRI ASSAM

5:THE SUPERINTENDENT OF POLICE
DHUBRI
DISTRICT DHUBRI
ASSA

Advocate for the Petitioner : MR S RAHMAN, MS. S PHUKAN

Advocate for the Respondent : GA, ASSAM, SC, FINANCE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

26.08.2026

Heard Shri S. Rahman, learned counsel for the petitioner, who has approached this Court for release of dues owing to hiring of vehicle.

It is submitted that the petitioner is the registered owner of a Mahindra Bolero with registration No. AS-17-G-2751 which was requisitioned by the respondent authorities for the period from 24.02.2021 to 08.04.2021. However, the bill amount of Rs.84,788/- has not been cleared.

On the other hand, Shri M. Chetia, learned State Counsel has submitted that there is no acknowledgment of the liability in writing by the Head of the Department which is one of the pre requisites to entertain a writ petition, as laid down by the Full Bench of this Court in the case of ***Tamsher Ali Vs State of Assam*** reported in ***2008 (4) GLT 1***. In response, the learned counsel for the petitioner has drawn the attention of this Court to the bill at Annexure-2 which contains a signature of the MTO Police Reserve, Dhubri.

In the aforesaid case of ***Tamsher Ali*** (supra), the Hon'ble Full Bench has endorsed the following principles:

> "*i) All claims for payment of outstanding dues would be entertained for consideration provided the same are admitted by the respective departments. The admissions of liability shall have to be certified by the respective Chief Engineer in respect of Works Departments and in respect of other departments by the Head of the departments.*

ii) All claims for payment of admitted outstanding dues would be entertained for payment provided the claims are lodged before the competent authority within a period of three years from the date of the payment becoming due.

iii) All claims for payment of admitted outstanding dues in respect of which the contractors intend or have approached the Hon'ble Court, in such cases, the contractors must approach the Hon'ble High Court within a period of 3 years from the date of the payment becoming due. This view has been taken as the Hon'ble Apex Court in the State of Madhya Pradesh Vs. Bhailal Bhai and Ors. reported in AIR 1964 SC 1006 at Para 21 has observed that though provisions of Limitation Act do not as such apply to proceedings under Article 226, the period of Limitation prescribed by Limitation Act for instituting a civil action may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Article 226 can be measured."

As regards the communication at Anneuxre-2, the same is only a bill which was raised by the petitioner and was received by the MTO, Dhubri and will not amount to an acknowledgment of the liability by the prescribed authority, as laid down by the Hon'ble Full Bench.

In view of the above, no case for entertaining this writ petition by writ Court is made out.

Writ petition accordingly stands dismissed.

Dismissal of this writ petition shall not be a bar for the petitioner to approach this Civil Court for redressal of her grievance, if so permitted by law.

JUDGE

Comparing Assistant