GAHC010162962020

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

Case No. : WP(C)/4829/2020

MD. HAFAZUDDIN AHMED
S/O- LT. JALALUDDIN AHMED, R/O- H.NO. 109 DEKA BARBARUA ALI DUI ALI MAZ PATHAR, P.O. SIVASAGAR, P.S. SIVASAGAR, DIST.- SIVASAGAR, ASSAM, PIN- 785640

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, FINANCE DEPTT., DISPUR, GHY-06

2:THE SR. ACCOUNTS OFFICER
O/O THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GHY-29

3:THE DY. COMMISSIONER OF SIVASAGAR DISTRICT
SIVASAGAR
P.O. SIVASAGAR
P.S. SIVASAGAR
DIST.- SIVASAGAR
PIN- 785640

4:THE ADDL. DY. COMMISSIONER (REVENUE)
SIVASAGAR
P.O. SIVASAGAR
P.S. SIVASAGAR
DIST.- SIVASAGAR
PIN- 785640

5:THE CIRCLE OFFICER
DEMOW REVENUE CIRCLE
DEMOW
P.O. DEMOW
P.S. DEMOW
DIST.- SIVASAGAR
ASSAM
PIN- 785662

6:THE TREASURY OFFICER
SIVASAGAR
P.O. SIVASAGAR
P.S. SIVASAGAR
DIST.- SIVASAGAR
PIN- 78564

Advocate for the Petitioner : MR. A R SHOME

Advocate for the Respondent : GA, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE MANOJIT BHUYAN

O R D E R

07.12.2020

Heard Mr. A.R. Shome, learned counsel for the petitioner as well as Mr. B. Gogoi, learned counsel representing the respondent nos.1 and 6. Mr. C. Baruah, learned counsel appears for respondent no.2, whereas Mr. D. Nath, learned counsel appears for respondent nos.3, 4 and 5.

Having regard to the earlier order of this Court dated 19.11.2020 and the written instructions produced by Mr. Baruah, this writ petition does not survive for further consideration.

Prayer made in the writ petition is for a direction to the respondents as to why the amount sought to be recovered from the petitioner in terms of the order dated 16.09.2020

(Annexure-12) should not be set aside. Ground assigned is that the said order cannot stand scrutiny in law in view of a restrain order of this Court dated 06.03.2020 passed in WP(C)/1754/2020, which was instituted by the same petitioner.

Mr. Baruah has obtained instructions to say that recovery indicated in the impugned order dated 16.09.2020 has come in by way of an inadvertence and to overcome the same, necessary instructions have already been issued to the Treasury Officer, Sivasagar, to refrain from initiating any action for recovery.

The said written instructions, so received from the Sr. Accounts Officer, Office of the Accountant General (A&E), Assam vide letter dated 1st December, 2020, is retained as part of the records.

In view of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant