GAHC010308572019

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

Case No. : WP(C) 9358/2019

1:CHANDAN DEY AND 2 ORS.
S/O LT. CHUNNI LAL DEY
R/O KOKRAJHAR BAZAR
WARD NO. 6 P.O. AND P.S. KOKRAJHAR
DIST. KOKRAJHAR
ASSAM

2: PARNA DEY
D/O SRI CHANDAN DEY
R/O KOKRAJHAR BAZAR
WARD NO. 6 P.O. AND P.S. KOKRAJHAR
DIST. KOKRAJHAR
ASSAM

3: MITU DEY
D/O SRI CHANDAN DEY
R/O KOKRAJHAR BAZAR
WARD NO. 6 P.O. AND P.S. KOKRAJHAR
DIST. KOKRAJHAR
ASSAM
VERSUS

1:THE STATE OF ASSAM AND 10 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
STATE HOME DEPTT.
DISPUR
GHY-6

2:THE BOROLAND TERRITORIAL AUTONOMOUS COUNCIL
REP. BY THE PRINCIPAL SECRETARY
BTAD
KOKRAJHAR
ASSAM

3:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
HOME DEPTT. DISPUR GUWAHATI-6

4:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
HOME DEPTT. DISPUR GUWAHATI-6

5:THE DIRECTOR GENERAL OF POLICE
ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-7

6:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (ADMN.)
ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-7

7:THE ADDITIONAL DIRECTOR GENERAL OF POLICE
BTAD
KOKRAJHAR
ASSAM

8:THE ADDITIONAL INSPECTOR GENERAL OF POLICE (ADMN.)
ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-7

9:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM

10:THE DISTRICT MAGISTRATE CUM DEPUTY COMMISSIONER
KOKRAJHAR
(LAW AND ORDER)
DIST. KOKRAJHAR
ASSAM

11:THE MOTOR TRANSPORT OFFICER (M.T.O.)
KOKRAJHAR
ASSAM

Advocate for the Petitioner : MR. J I BORBHUIYA
Advocate for the Respondent : GA

ASSAM

BEFORE

THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA

31.01.2020

Heard Mr. J I Barbhuiya, learned counsel for the petitioners. Also heard Ms. M D Bora, learned State counsel and Ms. P Pathak ,learned counsel for the respondent No. 2.

The petitioners are the owners of various medium size vehicles. The Superintendent of police, Kokrajhar for the purpose of maintenance of law and order and other public services hired various vehicles from the petitioners for the period of 2014 to 2018. The said vehicles were subsequently released on various dates as against which the petitioners claimed and as per the claim in this writ petition the petitioners are shown to be entitled a total amount of Rs. 1,15,21,379/-. It is the contention of Mr. Barbhuiya that though the said bills were submitted, however, the same has not been cleared nor there are any mover on the part of the respondents more specifically the respondent No. 9 in order to disburse the said amount. The respondent No. 9 filed affidavit-in-opposition wherein it has been stated that as against the claim made by the petitioner some amount had already been paid. The specific stands are reproduced hereinbelow:

> "5. *That with regard to the statements made in paragraphs 5 of the writ petition, the deponent begs to state that on 31.07.2016, 31.10.2016 and 31.10.2016 hired charges amounting to Rs. (1,56,538 X 3)= 4,69,614/- (Rupees four lakh sixty nine thousand six hundred fourteen) only was paid to the petitioner No. 1 for Vehicle Nos. As-16A/ 3953 and AS-16D/0304, but the petitioner willfully avoided it in the writ petition. In this respect supporting documents are enclosed herewith. Statement showing the exact amount of hire charges admissible to the petitioner is also attached herewith.*
>
> *6. That with regard to the statements made in paragraphs 6 of the writ petition, the deponent begs to state that the amounts mentioned in this paragraph is not true. Part*

payment was made by this respondents on 31.07.2016, 31.10.2016 and 31.10.2016 respectively amounting to Rs. 4,69,614/- (Rupees four lakh sixty nine thousand six hundred fourteen) only.

8. That with regard to the statements made in paragraph 8 of the writ petition, the deponent states that the respondent has no any authority for sanction of hire charge bills except the disbursement of the hire charges. The hire charge bills have already been sent to Assam Police Head Quarter for sanction."

From the stand taken by the respondent No. 9 one thing is clear that the hire charge bills were already sent to the Assam Police Head Quarter for sanction. As the officials of Assam Police Head Quarter are made parties in this writ petition accordingly this writ petition is disposed of with a direction to the respondents more specifically the respondent No. 9 and other officials placed at Assam Police Head Quarter to consider the claim of the petitioners after verifying the amount already released and the amount left to be disbursed to the petitioners. The said exercise shall be initiated on a fresh representation to be submitted by the present petitioners along with a copy of this order including a copy of this writ petition. From the date of submission, the respondents shall made an endeavor to disburse the amount within a period of outer limit of 3 (three) months from the date of submission of the representation.

Accordingly, this writ petition stands disposed of.

JUDGE

Comparing Assistant