

GAHC010064542024



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

Case No. : WP(C)/1747/2024

SHANKAR ROY
S/O- LATE SUSHIL ROY, RESIDENT OF KARIMGANJ WARD NO.6, LAXMI
BAZAR ROAD, P.O. AND DIST- KARIMGANJ (ASSAM)

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE
ASSAM
DISPUR
GUWAHATI-06

3:THE DISTRICT COMMISSIONER
KARIMGANJ (ASSAM)
PIN- 78871

Advocate for the Petitioner : MR. A H M R CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

01.04.2024

1. Heard Mr. A.H.M.R. Choudhury, learned counsel for the petitioner. Also

heard Mr. S. Dutta, learned counsel for the respondent no.1 and Mr. M. Chetia, learned counsel for the respondent no.3. Mr. B. Gogoi, learned Standing Counsel, Finance Department appears for the respondent no.2.

2. The petitioner's case is that he undertook the contractual work of restoration of Madanmohan (West) Road under SDRF for the year 2018 – 2019 under the Karimganj Rule Road Division. On completion of the work, the Additional Deputy Commissioner, Karimganj had directed the Assistant Commissioner, Karimganj to inspect the work done and submit a physical verification report along with photographs. Subsequent thereto, the Circle Officer gave a report that the work had been executed by the petitioner as per the approved plan and estimate.

3. As the petitioner's claim for an amount of Rs.2,49,331/- for the contract work in question had not been paid, the petitioner filed WP(C) No.2216/2023. The Standing Counsel appearing on behalf of the PWD Department submitted before the Court in WP(C) No.2216/2023 that the responsibility of payment for the contract work was not with the PWD, but with the Revenue Disaster Management Department. This Court thereafter closed WP(C) No.2216/2023, vide order dated 28.07.2023, by observing that neither was the Revenue Disaster Management Department nor the Deputy Commissioner, Karimganj made as parties.

4. Subsequent to the above, the present writ petition has been filed by making the State of Assam, represented by the Principal Secretary to the

Government of Assam, Revenue Disaster Management Department and the District Commissioner, Karimganj, as parties in the instant case.

5. The counsels for the respondents submit that the present writ petition can be disposed of, if some time is given to the respondents to make payment of the admitted liability.

6. In view of the fact that the respondents have admitted that they are liable to make payment amounting to Rs. Rs.2,48,014/- to the petitioner, this Court is of the view that the present writ petition can be disposed of at the Motion stage itself, keeping in view the letter ECF No.5775/21 dated 31.10.2023 issued by the District Commissioner, Karimganj (District Management Branch) and addressed to the Joint Secretary to the Government of Assam, Revenue and Disaster Management (General) Department, which is to the following effect :

“Sub:- Prayer petition of Shri Shankar Roy of Laxmi Bazar Road, Karimganj in connection with WP(C) No.2216/2023.

Ref.: This office Letter vide No. KRR.36/2019/Pt/5, dated.16-01-2020 (Copy enclosed)

Sir/Madam,

With reference to the subject cited above, I have the honour to enclose herewith copy of the prayer petition dated 09-10-2023 submitted by Shri Shankar 28-07-2023 passed by the Hon'ble Gauhati High Court in connection with Roy of Laxmi Bazar Road, Karimganj along with copy of Judgement/Order dated WP(C)/2216/2023 regarding payment of Rs. 2,49,331.00 (Rupees Two Lakh Forty Nine Thousand Three Hundred Thirty One) only as per Hon'ble Gauhati High Court Order dated 28-07-2023 against the SDRF work namely " Restoration of Madanmohan Road (West) under SDRF for the year 2018-19 "

It is pertinent to mention here that the Work Completion Report etc. alongwith demand for release of Rs.2,48,014.00 (Bill amount as per bill submitted by the E.E., PWD, Karimganj Rural Road Division, Karimganj) has already been furnished to the Joint Secretary to the Govt. of Assam, Rev. & DM (Gen.) Deptt., Dispur, Guwahati-6 vide this office letter under reference but till date no fund has been received from the Govt. in Rev. & D.M. (Gen.) Department, Dispur, Guwahati- 6 for this purpose.

Under the facts stated above, I would like to request you to release the bill amount against the aforesaid SDRF work in light of the Order dated 28-07-2023 passed by the Hon'ble Gauhati High Court, Guwahati, Assam.

Yours faithfully"

7. Accordingly, on considering the fact that the respondents have admitted their liability of Rs.2,48,014/-, which is payable to the petitioner, in terms of the letter dated 31.10.2023 issued by the office of the District Commissioner, Karimganj (District Management Branch), the respondents are directed to make payment of the admitted amount to the petitioner, within a period of 8 (eight) weeks from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant