

GAHC010049222022



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

**Case No. : WP(C)/1818/2022**

JONALI SELF HELP GROUP  
(A NON-GOVERNMENTAL ORGANIZATION) REPRESENTED BY ITS  
PRESIDENT MISS MEHARUN BEGUM, AGED ABOUT 45 YEARS, W/O FAZAL  
ALI, VILL-DHUHI NO. 1, P.O.-DHUHI, KAMRUP(R), ASSAM, PIN-781350

VERSUS

THE STATE OF ASSAM AND 6 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, PUBLIC  
HEALTH ENGINEERING CUM THE MISSION DIRECTOR, SBM (G), ASSAM,  
HENGRABARI, GUWAHATI-36

2:THE CHIEF ENGINEER  
PUBLIC HEALTH ENGINEERING  
SANITATION  
HENGRABARI  
GUWAHATI-36

3:THE CHAIRMAN  
KDWSC  
CUM DEPUTY COMMISSIONER (R)  
KAMRUP  
AMINGAON

4:THE MEMBER SECRETARY  
KDWSC  
CUM EXECUTIVE ENGINEER (PHE) GUWAHATI DIVISION NO. I

5:THE ASSOCIATE MEMBER SECRETARY  
KDWSC  
CUM EXECUTIVE ENGINEER (PHE)  
RANGIA DIVISION

RANGIA

6:THE CHAIRMAN JATIA BHANGRA VWSC  
CUM PRESIDENT JATIA BHANGRA GAON PANCHAYAT

7:THE MEMBER SECRETARY  
JATIA BHANGRA GAON PANCHAYAT  
WATER SANITATION COMMITTE

**Advocate for the Petitioner : MR. A K SARMA**

**Advocate for the Respondent : SC, P H E**

**BEFORE**  
**HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**24.07.2024**

Heard Mr. A. Gohain, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned counsel appearing for the respondent PHE Department and Ms. U. Das, learned Government Advocate, appearing for respondent No.3.

2. The case of the petitioner, a non-government organization, is that the respondent No.7 issued work order dated 30.07.2017, for construction of 20 nos. of low cost individual household latrines under Swachh Bharat Abhiyan @ ₹ 12,000/- per unit, for a total cost of ₹ 2,40,000/-.

3. The petitioner's case is that despite executing the contract work and submitting the final bills, the bill amount of ₹ 2,40,000/- against the said contract work has not been released by the respondent authorities till date.

4. Mr. I. Borthakur, learned counsel for the respondent PHE Department, on the other hand, submits that though he has received instructions, the same needs clarification. He accordingly prays for time to obtain clarifications.

5. I have heard the learned counsels for the parties. It is surprising to note that despite this writ petition having been filed on 09.03.2022, the State respondents have not been able to file any counter affidavit even after a lapse of more than 2 years 4 months. The only thing that has to be verified, is as to whether the petitioner had been given the contract work for construction of 20 nos. of low cost individual household latrine @ ₹ 12,000/- per unit and whether the said contract work had been executed by the petitioner. The documents on record show that the petitioner had made a bill for ₹ 2,40,000/- on 16.02.2018, pursuant to the contract work executed by it and despite a lapse of 6 years from the date of filing of the bill, the respondents have not been able to take a decision on the same till date.

6. On considering the above facts, this Court directs the respondent No.2 to verify, as to whether the petitioner was given the contract work for construction of 20 nos. of low cost individual household latrines under Swachh Bharat Abhiyan @ ₹ 12,000/- per unit, for a total cost of ₹ 2,40,000/- and thereafter, the admitted amount shall be paid by the respondents to the petitioner. The said direction has been passed in terms of the Full Bench judgment of this Court in **Tamsher Ali & Ors. v. State of Assam & Ors.**<sup>1</sup> and also due to the fact that a similar order has already been issued by a Coordinate Bench of this Court in WP(C) No.2079/2022. The entire exercise for verification and payment of the petitioner's claim should be completed within a period of 3(three) months, from the date of receipt of a certified copy of this order.

7. The writ petition is accordingly disposed of.

**Sd/- Michael Zothankhuma  
JUDGE**

**Comparing Assistant**