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

Case No. : PIL/22/2024

ABDUL SALAM SHAH
SON OF LATE MONIRUDDIN SHAH, RESIDENT OF VILLAGE- BORO
BAGJHAPA, P.O.- HAZIRHAT, P.S. SUKCHAR, DISTRICT- SOUTH SALMARA
MANKACHAR, ASSAM, PIN-

VERSUS

THE STATE OF ASSAM AND 8 ORS
THROUGH THE COMMISSIONER AND SPECIAL SECRETARY TO THE
GOVERNMENT OF ASSAM, PWRD, DISPUR, GUWAHATI- 781006

2:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI- 781003

3:THE DISTRICT COMMISSIONER
SOUTH SALMARA MANKACHAR
HATSINGIMARI
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

4:THE EXECUTIVE ENGINEER
PWRD SOUTH SALMARA DISTRICT TERRITORIAL ROAD DISTRICT
TERRITORIAL ROAD DIVISION
MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783131

5:ASSISTANT EXECUTIVE ENGINEER
PWRD
MANKACHAR TERRITORIAL ROAD SUB-DIVISION-I
MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783131

6:SONOWAR HUSSAIN
ASSISTANT EXECUTIVE ENGINEER
PWRD
MANKACHAR TERRITORIAL ROAD SUB-DIVISION
MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783131

7:AMIR HUSSAIN TALUKDAR
JUNIOR ENGINEER (IN-CHARGE OF THE WORK) OFFICE OF THE
ASSISTANT EXECUTIVE ENGINEER
PWRD
MANKACHAR TERRITORIAL ROAD SUB-DIVISION-I
MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM PIN- 783131

8:M/S SBS SYSTEM
HOUSE NO.8
MULLAH AZIZ NAGAR PATH
HATIGAON
GUWAHATI ASSAM

9:MUSTAFA AHMED
SON OF MOINAL HOQUE
RESIDENT OF VILLAGE KADOMTOLI
P.O. HAZIRHAT
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM PIN- 78312

For the petitioner : Mr. A.K. Purkayastha, Advocate

For the respondents : Mr. D. Nath, S.C., PWD for
the respondent Nos.1, 2, 4 & 5

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

20-02-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. A.K. Purkayastha, learned Advocate for the petitioner and Mr. D. Nath, learned Standing Counsel, PWD for the respondent Nos.1, 2, 4 and 5.

In this PIL, an allegation has been raised that the contractor/respondent No.8 who had been entrusted with the task of constructing three roads, had in fact sublet the work to respondent No.9, who had not got the work executed by the stipulated time. There was further allegation against the Assistant Executive Engineer of turning a Nelson's eye to overpayment made to the contractor even when the work had not been completed.

It was brought to the notice of this Court that because of the construction work not having been completed and for which payments had already been disbursed, the pedestrians have been facing a lot of difficulties. Apart from this, there is a serious allegation of severe misappropriation of public funds.

The latest affidavit filed on behalf of the respondent No.2, the Chief Engineer, PWD (Roads), Assam, however, suggests that the construction of all the three roads is complete in all respects. The roads from Sukchar

to Gotabari; H.M. Road to Ujan Jagrachar and Hazirhat Tiniali to Kopati Bazar via Gotabari Part-I are complete in all respects.

The affidavit further states that the measurement of the executed work has already been recorded and bills have been prepared as per the actual work executed at the site by the contractor. The Superintending Engineer, PWD, Goalpara & South Salmara Road Circle, Goalpara had also visited and inspected the work at site. For the respondent No.9, the sub-contractor, not having completed the work within the scheduled time, action has been taken by respondent No.8, the main contractor, and the respondent No.9 has been divested of his assignment.

However, in response to the afore-noted affidavit, Mr. Purkayastha, learned Advocate for the petitioner has filed an affidavit enclosing the photographs with date and location of the area, which indicate that major part of the roads, which has been claimed to have been constructed, are still only in the shape of mud-tracks.

Mr. D. Nath, learned Standing Counsel, PWD submits that perhaps the petitioner is under the impression that the work order in respect of one of the roads was for 3 km whereas the actual work order in respect of the said road was for 2 km.

The photographs brought on record by Mr. Purkayastha, learned Advocate for the petitioner indicate that perhaps the assertion of the deponent/Chief Engineer is not correct.

We, therefore, direct that the Chief Engineer, PWD (Roads), Assam shall personally inspect the site and shall again swear an affidavit stating

that the statements made by him in the affidavit, referred to above, were factually correct, failing which, this Court would take a serious view of the matter.

If the work had not been completed within the scheduled time, we could have understood the reasons behind it and could have given further time for the work to be completed. But making a statement, which, if found to be factually false, ought to entail serious consequences.

A fresh affidavit shall be filed by the Chief Engineer, PWD (Roads), Assam positively by the next date.

Re-notify on **01.04.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant