

GAHC010092922025



2026:GAU-AS:533

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

Case No. : WP(C)/2448/2025

RAJ BARMAN
R/O POLICE RESERVE, P.O. PANBAZAR,
P.S. PANBAZAR,
DIST. KAMRUP (METRO), GUWAHATI-781001, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, HOME AND POLITICAL
DEPARTMENT, DISPUR ,GUWAHATI- 781006, KAMRUP (M), ASSAM

2:THE COMMISSIONER OF POLICE

ASSAM POLICE COMMISSIONERATE
M. G. ROAD
PANBAZAR
GUWAHATI-781001

KAMRUP(M)
ASSAM

3:THE DIRECTOR GENERAL OF POLICE
GUWAHATI-7
ASSAM

4:THE ASSISTANT INSPECTOR GENERAL OF POLICE (ADMINISTRATION)
ULUBARI
GUWAHATI-7
ASSAM

5:THE MOTOR TRANSPORT OFFICER
POLICE RESERVE
ASSAM POLICE COMMISSIONERATE
M.G. ROAD

PANBAZAR
GUWAHATI-781001
KAMRUP(M)
ASSAM

6:ADDITIONAL DISTRICT MAGISTRATE

KAMRUP (METROPOLITAN)

DISTRICT
GUWAGHATI-1
ASSA

Advocate for the Petitioner : MR. A DEKA,

Advocate for the Respondent : GA, ASSAM, GA, ASSAM

:::BEFORE:::

HON'BLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved : 19.01.2026

Date of pronouncement of judgment : 19.01.2026

**Whether the pronouncement is of the
Operative part of the judgment** : N/A

**Whether the full judgment has been
Pronounced** : Yes

Judgment & Order (Oral)

Heard Mr. A. Deka, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned Additional Senior Government Advocate for the respondents.

2. Aggrieved by the non-payment of outstanding hire charges of the vehicle of

the petitioner amounting to Rs. 6,65,004/- (rupees six lakh sixty-five thousand four) only, the present writ petition has been filed seeking a direction to the respondent authorities to make payment of the said amount.

3. The petitioner claims to be a reputed entrepreneur, who is engaged in the business of providing vehicles on hire across the State of Assam to various government as well as private organizations. The vehicle of the petitioner, Maruti Van was hired by the respondent authorities during the year 2022-2023 for different periods. The hire was on the requisition of the respondent authorities for public service for the purpose of maintaining law and order in the State of Assam by the Additional District Magistrate, Kamrup Metropolitan District. The requisition order states that hire charges shall be paid on the submissions of bills before the concerned authorities in terms of the government notification dated 06.02.2014.

4. It is contended that the vehicle-Maruti Van provided by the petitioner was engaged for the period from 01.01.2022 to 31.12.2022; 01.01.2023 to 30.06.2023; 01.10.2023 to 30.11.2023 and 01.12.2023 to 31.12.2023. The respondent authorities had generated hire charges amounting to Rs. 6,65,004/- (rupees six lakh sixty-five thousand four) only. The petitioner contends that despite repeated approaches, the respondent authorities have failed to release the said outstanding amount, for which, he has suffered serious financial hardship.

5. Mr. Deka, learned counsel for the petitioner, submits that there is no dispute to the said outstanding bill amount of Rs. 6,65,004/- (rupees six lakh sixty-five thousand four) only, as the same is admittedly the hire charges of the vehicle on being requisitioned by the respondent authorities, which is an admitted amount

payable to the petitioner. Therefore, a direction may be issued to the respondent authority to release the said outstanding hire charge of the vehicle requisitioned by the respondents.

6. Mr. K. Gogoi, learned Additional Senior Government Advocate, submits that an amount of Rs. 91,774/- (rupees ninety-one thousand seven hundred seventy-four) only for the period from 01.04.2023 to 30.06.2023 out of the split-up bill has already been credited to the bank account of the petitioner on 24.03.2024. For the remaining amount, the sanction and allotment of funds is yet to be received. Once the sanction and allotment of funds is received, the same shall be released to the petitioner. He submits that there is no dispute that the vehicle of the petitioner was hired under the provisions of the Assam Requisition and Control of Vehicles Act, 1968.

7. I have considered the submissions of the learned counsels for the parties and also perused the materials available on record.

8. The respondents have filed the affidavit, the relevant paragraph No. 7 is reproduced hereinunder:

“...7. That with regard to the statement made in paragraph - 5 of the writ petition, the answering deponent begs to state that the petitioner has claimed of Rs. 6,65,004/- only as outstanding hire charge in the instant writ petition. During scrutiny of the records available, it is found that out of the 5 (five) bills, 1 (one) bill for the period from 01.01.2023 to 30.06.2023 amounting to Rs. 1,82,538/- has been split up on the basis of instruction received from the Govt. in the year 2023, wherein direction was given to the Police Department to receive the Hire Charge Bill(s) from the registered owner of the vehicle(s) whose vehicles was/were hired for the purpose of maintenance of law and order duty considering the situation and the interest of safety and security to the citizen of the state on quarterly basis instead of half-yearly. Accordingly, the bill for the period from 01.01.2023 to 30.06.2023 was split up and converted in two bills for

the period from 01.01.2023 to 31.03.2023 and 01.04.2023 to 30.06.2023 in compliance to the instruction of the Govt. and forwarded to the Assam Police Headquarters to accord approval of sanction and allotment of fund against the entitled amount as claim by the petition. It further revealed from the records available that petitioner has handed over declaration certificate to the office of the Respondent No. 2 with consent of ONE TIME SETTLEMENT i.e. deduction of 20% against 3 (three) numbers of Hire Charges Bills in response to the Minutes of the Conference of the Superintendent of Police held on 3rd & 4th January, 2022 at Duliajan, Dibrugarh under the Chairmanship of Hon'ble Chief Minister of Assam. Accordingly, these bills were forwarded to the Assam Police Headquarter vide proposals No. 4191-4201 (RV) dated 18.05.2024 and 6407-6408 (RV) dated 17.12.2024. It is further stated that the petitioner has not given any consent 31.12.2023 and against 2 (two) bills for the period 01.12.2023 to 31.12.2023 and 01.10.2023 to 30.11.2023 and the same were forwarded to Assam Police Headquarters vide proposal No. 925-926(RV) dated 06.05.2025 for according approval of sanction and allotment of the fund required to make payment to the petitioner.

The details of the bills showing proposal No is as follows:

PROPOSAL NO. 4191-4201 (RV) dated 18.05.2024					
Sl. No.	Regd. No.	Typed	From	To	Amount in Rs after 20% deduction
1	AS-01-BY-6235	M/Vans	01.01.2022	30.06.2022	1,53,270.00
2	Do	Do	01.07.2022	31.12.2022	1,53,812.00
				Total	3,09,082.00

PROPOSAL NO. 6407-6408 (RV) dated 17.12.2024					
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Sl. No.	Regd. No.	Typed	From	To	Amount in Rs after 20% deduction
1	AS-01-BY-6235	M/Vans	01.01.2023	31.03.2023	76212.00

PROPOSAL NO. 925-926 (RV) dated 06.05.2025					
Sl. No.	Regd. No.	Typed	From	To	Amount in Rs after 20% deduction
1	AS-01-BY-6235	M/Vans	01.12.2023	31.12.2023	37516.00
2	AS-01-BY-6235	M/Vans	01.10.2023	30.11.2023	73822.00
				Total	111338.00

From the records, it is also found that an amount of Rs. 91,774/- for the period from 01.04.2023 to 30.06.2023 out of the split-up bill as stated above has already been credited to the bank account of the petitioner vide Bill No. 02244 dated 24.03.2024.

The matter relating to the release of hire charges claim amount always depend on the approval of sanction as well as allotment of fund required from the Sanctioning Authority. However, the required sanction and allotment of fund against the above proposal is yet to be received. Once sanction as well as allotment of fund received, steps will be taken to credit the amount to the bank account of the petitioner maintained in the concerned bank."

9. Upon perusal of the materials including the stand of the respondent

authorities as quoted hereinabove, it is noticed that the respondents authorities have not disputed the claim of the petitioner. Thus, I am of the considered view that the petitioner is entitled to be paid the amount claimed by the petitioner. Accordingly, it is directed that the respondent No. 3, namely, the Director General of Police, Guwahati, Assam, to take steps for release of the amount entitled to the petitioner after statutory deduction within a period of 6 (six) months from the date of receipt of the certified copy of this order. It is made clear that the amount already paid to the petitioner shall be set off at the time of payment of the entitled amount to the petitioner.

10. Writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant