

GAHC010106102022



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

Case No. : WP(C)/3685/2022

RUHIT HUSSAIN LASKAR
S/O- ANUWAR HUSSAIN LASKAR
R/O- PHE ROAD, MADHURBOND, PART-I
UTTAR KRISHNAPUR,
P.O AND P.S- SILCHAR
PIN-788001
DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECRETARY. TO THE GOVT. OF ASSAM, WATER RESOURCE
DEPTT., DISPUR, GUWAHATI-781006.
ASSAM

2:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-781006.
ASSAM

3:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
KRISHNA NAGAR
CHANDMARI
GUWAHATI-03
DIST- KAMRUP (M)

4:THE EXECUTIVE ENGINEER
WATER RESOURCE DEPARTMENT
SILCHAR DIVISION

SILCHAR

DIST- CACHAR
ASSAM

5:THE ASSISTANT EXECUTIVE ENGINEER
WATER RESOURCE DEPARTMENT
SILCHAR DIVISION
SILCHAR

DIST- CACHAR
ASSA

Advocate for the Petitioner : MR. I ALAM

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 09.04.2024

All sides are represented.

Ms. A. Lodha, learned counsel appearing on behalf of the learned departmental counsel for the respondent nos.1, 3, 4 and 5 has submitted that the Union of India is not a party in this writ petition and it is submitted that the funds for the tendered work is to be shared in the ratio of 90:10 between the Union of India and State Government.

We do not find anything on record to show that the petitioner was informed that if the Union of India does not release funds, he will not be getting payment for the contract work.

Therefore, we do not find the Union of India to be a necessary party.

However, prayer made by the respondent nos.1, 3, 4 and 5 granted an opportunity to the learned counsel to satisfy the Court upon the non-joinder of Union of India as a party.

List after 2 (two) weeks.

The pendency of the writ petition shall not be a bar for the respondents to release the contractual bill of the petitioner, if found due.

JUDGE

Comparing Assistant