

GAHC010114422025



2026:GAU-AS:4714

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

Case No. : WP(C)/3125/2025

BIJAY KUMAR SINGH
S/O- LATE RAJENDRA SINGH, RESIDENT OF KEDAR ROAD, JAY KUMAR
BUILDING, 1ST FLOOR, P.O.- FANCY BAZAR, P.S.- BHARALUMUKH,
DISTRICT-, KAMRUP (M), GUWAHATI-781001, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 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
KAMRUP(M)
ASSAM GUWAHATI-781001.

3:THE DIRECTOR GENERAL OF POLICE
GUWAHATI-7
ASSAM

4:THE MOTOR TRANSPORT OFFICER
POLICE RESERVE
ASSAM POLICE COMMISSIONERATE
M.G. ROAD
PANBAZAR
GUWAHATI-781001
KAMRUP(M)
ASSAM

5:ADDITIONAL DISTRICT MAGISTRATE
KAMRUP (METROPOLITAN) DISTRICT
GUWAGHATI-1

ASSAM

Advocate for the Petitioner : MR. A DEKA,

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 01.04.2026

Heard Mr. A. Deka, learned counsel for the petitioner; Mr. M. Chetia, learned Junior Government Advocate, Assam for all the respondents.

2. The case of the petitioner projected in this writ petition, in brief, is that he is the registered owner of three vehicles bearing Registration nos. AS-01/DE-2666 [Tata Safari], AS-01/HC-3993 [Bolero] and AS-01/BD-0298 [Scorpio] [‘the subject-vehicles’, for short]. The petitioner has stated that during the period from 1st January, 2018 to 31st December 2024, the subject-vehicles were hired on different occasions by different orders issued under the hand of the respondent no. 5. The orders were passed mentioning that the subject-vehicles were required for public service of maintaining law and order in the State of Assam and the subject-vehicles were taken on hire as per the terms and conditions set forth in the orders itself. The orders mentioned that the hire charges would be paid on submission of bills in duplicate on completion of the duty for which the subject-vehicles were hired and the bills would be forwarded to the concerned Superintendent of Police for payment. The hire charges shall be paid as per the specified rates for types of vehicles indicated therein and as per rates prescribed in the Government notifications.

3. The petitioner has stated that after the subject-vehicles were released, he submitted bills as per the prescribed rates before the respondent authorities, as mentioned in detail in Paragraph 5 of the writ petition. According to the petitioner, the total amount of all the bills was ₹ 71,25,976/-.

4. The date of filing of the writ petition in May, 2025, the respondent authorities did not make any payment of the final bill amount of ₹ 71,25,976/-. Stating that despite repeated approaches and representations, the respondent authorities were found reluctant to release the said amount, the petitioner had instituted the instant writ petition seeking a direction to the respondent authorities to release the amount of ₹ 71,25,976/-.

5. In response to the claim made by the petitioner, the respondent no. 2 has filed an affidavit-in-opposition traversing the statements and averments made in the writ petition. In the affidavit-in-opposition, the respondent no. 2 has admitted, on the basis of official records available, that the subject-vehicles which belong to the petitioner, were hired for the purpose of maintenance of law and order duty as per the provisions of the Assam Requisition and Control of Vehicles Act, 1968, as amended, following the per diem rate fixed by the Transport Department, Government of Assam in the Notifications dated 06.02.2014 and 27.08.2023 on various dates from 2018 to 2024.

6. The respondent no. 2 has further averred that as against the hiring of the subject-vehicles, the petitioner submitted 47 nos. of hire charges bills for a total amount of ₹ 71,25,976/-. It is canvassed that in respect of 27 nos. of hire charges bills, a settlement was arrived at for deduction of 20% per diem rate from these bills and due to such settlement, an amount of ₹ 1,47,351/- has been deducted from the total amount of those 27 nos. of hire charges bills. On scrutiny of the remaining 24 nos. of hire charges bills, a correction has been made with regard to the per diem rate in respect of 5 nos. of bills and an amount of ₹ 2,19,768/- has been deducted. As a result, as against the total amount of ₹ 71,25,976/-, claimed by the petitioner through 47 nos. of hire charges bills, an amount of ₹ 3,67,119/- has been deducted. During the pendency of the writ petition, part-payment to the extent of ₹ 25,90,850/- has been released in favour of the petitioner and the said amount has been credited in the bank account of the petitioner. As on date, the petitioner is entitled to receive the remaining amount of ₹ 41,68,007/-.

7. Mr. Chetia, learned Junior Government Advocate, Assam has submitted that as

presently, the proposal for the release of ₹41,68,007/- is pending consideration in the Assam Police Headquarters, a period of 4 [four] months would be required to complete the entire formalities. Mr. Deka, learned counsel for the petitioner has agreed to the period mentioned by Mr. Chetia for completion of all the formalities.

8. In view of the admission of liability of hire charges to the extent of ₹ 41,68,007/- by the respondent no. 2 and the broad consensus arrived at by the parties in the afore-stated manner, this writ petition is disposed of with a direction to the respondent authorities to complete the formalities of verification, sanction and ceiling so as to release the amount of ₹ 41,68,007/- to the petitioner within a period of 4 [four] months from the date of receipt of a certified copy of this order. The petitioner shall submit a certified copy of this Order at the office of the respondent no. 2 and the respondent no. 3 so as to enable the said respondents to complete the entire process to facilitate disbursement of the admitted amount to the petitioner within the outer limit of the time period, mentioned above.

9. With the observations made and the direction given above, the writ petition is disposed of. No cost.

JUDGE

Comparing Assistant