

GAHC010142142025



2025:GAU-AS:13129

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

Case No. : WP(C)/3679/2025

GOBIND AGARWAL
S/O- BAJRANG AGARWAL,
R/O- FAKIRAGRAM,
WARDNO-6. P.O- FAKIRAGRAM,
DIST- KOKRAJHAR,
BTR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 OTHERS
REP BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM, STATE
HOME DEPARTMENT, GUWAHATI, ASSAM

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE BODOLAND TERRITORIAL AUTONOMOUS COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
BTAD

BODOFA NWGWR
KOKRAJHAR
BTR
ASSAM

4:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-07

5:THE ADDL. DIRECTOR GENERAL OF POLICE
(ADMIN)
ULUBARI
GUWAHATI-07

6:THE DISTRICT COMMISSIONER
CHIRANG
BTR
ASSAM

7:THE SUPERINTENDENT OF POLICE
CHIRANG
ASSA

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

Advocates for the petitioner(s) : Mr. JI Borbhuiyan

Advocates for the respondent(s) : Ms. U Das
Addl. Senior Govt. Advocate

Date of hearing & judgment : **22.09.2025**

JUDGMENT & ORDER(ORAL)

Heard Mr. JI Borbhuiyan, the learned counsel appearing on behalf of the petitioner. Ms. U Das, the learned Addl. Senior Govt. Advocate, Assam appears on behalf of the respondents.

2. Ms. U Das, the learned Additional Senior Government Advocate, Assam submits that taking into account the name of the petitioner in WP(C)No.3679/2025 and WP(C)No.3681/2025 being the same, the affidavit which was to be filed in WP(C)No.3679/2025 has been filed in WP(C)No.3681/2025 and the affidavit which was supposed to be filed in WP(C)No.3679/2025 has been filed in WP(C)No.3681/2025.

3. Ms. U Das, the learned Additional Senior Government Advocate, Assam, therefore submits that the affidavit which has been filed in WP(C)No.3679/2025 be taken as the affidavit filed in WP(C)No.3681/2025 and the affidavit which has been filed in WP(C)No.3681/2025 be taken as the affidavit filed in WP(C)No.3679/2025.

4. The case of the petitioner herein is that the petitioner is a registered owner of the vehicle bearing Registration No.AS01AG0558 (TATA SUMO VICTA AC). The respondent authorities by an order w.e.f. 01.10.2020 hired the vehicle of the petitioner on different dates for their emergency use. Thereafter, the petitioner submitted the bill on 12.01.2021 along with the original hiring order before the authorities for making payment of his dues amounting to Rs.1,70,150/-. However, the said amount has not been paid to the petitioner.

5. The learned counsel appearing on behalf of the petitioner submitted that the petitioner has been pursuing the matter delinquently with the respondents, but the respondent authorities have not shown any interest in making the payment of the admitted amount of Rs.1,70,150/- due to the petitioner for which the petitioner is facing hardship. The learned counsel for the petitioner further submitted that the respondent authorities have failed to discharge their duty in accordance with law and the same has caused prejudice to the petitioner. Hence, the petitioner has approached this Court by filing the instant writ petition.

6. Ms. U. Das, the learned Additional Senior Government Advocate has placed before this Court an affidavit-in-opposition filed by the respondent No.7. From a perusal of the said affidavit-in-opposition, more particularly, at paragraph 9, it is seen that the respondent authorities have clearly denied their liability for

payment of the claimed amount of Rs.1,70,150/-. Paragraph 9 of the said affidavit being relevant is reproduced hereinunder:

“9. That with regard to the statement made in paragraphs 14 and 15 of the writ petition, the answering deponent begs to state that it is respectfully submitted that the claims and reliefs sought by the petitioner are not maintainable in respect of this respondent. The undersigned has not hired any vehicle from the petitioner at any point of time. As such, the alleged amount of Rs. 1,70,150/- claimed by the petitioner is not payable by this respondent.”

7. Upon perusal of the materials on record, and more particularly the paragraph quoted above, it would be seen that the amount claimed by the petitioner in the instant writ petition has been disputed by the respondent authorities. Taking into account the above, the writ petition stands dismissed.

8. However, the petitioner is given the liberty to seek remedy before the appropriate forum as otherwise available under the law.

JUDGE

Comparing Assistant