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

Case No. : WP(C)/3667/2026

MEHBUB HUSSAIN LASKAR
SON OF LATE SAFIQR RAHMAN LASKAR, RESIDENT OF AMINO
RAHEMAN LANE, MALUGRAM, MELA ROAD, DISTRICT- CACHAR,
ASSAM, PIN- 788002.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SPECIAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC HEALTH ENGINEERING (PHE)
DEPARTMENT, DISPUR, GUWAHATI- 6.

2:THE FINANCE DEPARTMENT
ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 6.

3:THE CHIEF ENGINEER
(PHE)

WATER
ASSAM
HENDERABARI
GUWAHATI-781036
ASSAM

4:THE SUPERINTENDING ENGINEER (PHE)

SILCHAR

CACHAR
ASSAM

5:THE EXECUTIVE ENGINEER (PHE)

SIICCHAR DIVISION - I
SILCHAR
CACHAR
ASSAM.

6:THE ASSISTANT EXECUTIVE ENGINEER PHE

SILCHAR DIVISION - I
SILCHAR
CACHAR
ASSAM

Advocate for the Petitioner : MR. D CHAKRABARTY, MS D.CHAKRABARTY

Advocate for the Respondent : SC, P H E, SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

17.07.2026

Heard Shri D. Chakraborty, learned counsel for the petitioner, who by means of this application has prayed for a direction for release of contractual bills amounting to Rs.6,79,173/- for works done in connection with a scheme "Restoration of Purandarpur Water Supply Scheme".

The learned counsel has submitted that the work was duly completed and in this connection, a completion certificate was issued which was duly signed by the Executive Engineer, PHE and the Assistant Executive Engineer. He has also relied upon proposal forwarded by the Executive Engineer demanding funds which includes the Scheme in question.

On the other hand, Shri D. Gogoi, learned Standing Counsel, PHE has

submitted that the scope of interference by a Writ Court in matters for release of contractual dues is limited and the same is governed by the principles laid down by the Hon'ble Full Bench in the case of ***Tamsher Ali Vs State of Assam*** reported in **2008 (4) GLT 1**.

In the aforesaid case of ***Tamsher Ali*** (supra), the Hon'ble Full Bench has laid down the following conditions:

- “i) All claims for payment of outstanding dues would be entertained for consideration provided the same are admitted by the respective departments. The admissions of liability shall have to be certified by the respective Chief Engineer in respect of Works Departments and in respect of other departments by the Head of the departments.*
- ii) All claims for payment of admitted outstanding dues would be entertained for payment provided the claims are lodged before the competent authority within a period of three years from the date of the payment becoming due.*
- iii) All claims for payment of admitted outstanding dues in respect of which the contractors intend or have approached the Hon'ble Court, in such cases, the contractors must approach the Hon'ble High Court within a period of 3 years from the date of the payment becoming due. This view has been taken as the Hon'ble Apex Court in the State of Madhya Pradesh Vs. Bhailal Bhai and Ors. reported in AIR 1964 SC 1006 at Para 21 has observed that though provisions of Limitation Act do not as such apply to proceedings under Article 226, the period of Limitation prescribed by Limitation Act for instituting a civil action may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Article 226 can be measured.”*

In the instant case, though there are completion certificates, there is no acknowledgment of liability by the Chief Engineer or Head of the Department which is a mandatory requirement laid down by the Hon'ble Full Bench to exercise jurisdiction by a writ Court.

In view of the above, this writ petition is dismissed.

Dismissal of the writ petition shall not however be a bar for the petitioner to approach the appropriate Civil Court for redressal of his grievance.

If such approach is made, the learned Civil Court would adjudicate the matter in accordance with law and without being influenced by the decision of this Court.

JUDGE

Comparing Assistant