

GAHC010193912025



2026:GAU-AS:6211

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

Case No. : WP(C)/5144/2025

REKIBUL ISLAM
S/O- JAKIRUL ISLAM, RESIDENT OF WARD NO. 2, MANGALDOI, P/O-
MANGALDOI, P/S- MANGALDOI, DISTRICT-, DARRANG, PIN-784125,
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
GUWAHATI-781001
KAMRUP (M)
ASSAM

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
GUWAHATI-1
ASSA

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. A. Deka, Advocate

For the Respondent(s) : Mr. K. Gogoi,
Addl. Sr. Govt. Advocate

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 06.05.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. A. Deka, the learned counsel appearing on behalf of the Petitioner and Mr. K. Gogoi, the learned counsel appearing on behalf of the State Respondents.

2. The case of the Petitioner herein is that the Petitioner is engaged in the business of providing vehicles for hire across the State of Assam to various Government as well as private organizations. It is the case of the Petitioner that one Maruti

Gypsy vehicle bearing Registration No.AS-01-DR-4194 belonging to the Petitioner was hired by the Respondent Authorities during the year 2022 to 2024 for different periods and the rate of hire charge of the said vehicle was fixed by the Respondent Authorities as per the Notification dated 06.02.2014 issued by the Transport Department of the Government of Assam which is enclosed as Annexure-1 to the writ petition. It is further stated that the said vehicle was deployed and utilized by the Respondent Authorities for the period starting from 01.01.2022 to 30.06.2022, 01.07.2022 to 31.12.2022, 01.01.2023 to 31.03.2023, 01.12.2023, to 31.12.2023, and 01.01.2024 to 31.12.2024. The Petitioner claims hire charges/requisition compensation amounting to Rs.8,40,879/- as admitted by the Respondent Authorities. However, the said amount has not been disbursed to him till date.

3. The learned counsel appearing on behalf of the Petitioner submitted that the Petitioner has been pursuing the matter diligently with the Respondents, but the Respondent Authorities have not shown any interest in making the payment of the admitted amount of Rs.8,40,879/- 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.

4. Mr. K. Gogoi, the learned counsel appearing on behalf of the Respondents has placed before this Court a communication dated 16.12.2025 issued by the Deputy Commissioner of Police (Crime), Guwahati which is kept on record and marked with the letter "X". From a perusal of the said communication, it is seen that the Respondent Authorities have duly admitted their liability of an amount of Rs.7,53,036/- The details can be seen in paragraph Nos.5 & 6 of the said communication dated 16.12.2025 which being relevant is reproduced herein under:-

"5. That with regard to the statement made in paragraph-5 of the writ petition, the answering deponent begs to state as follows:-

The petitioner has claimed an amount of Rs. 8,40,879/- as outstanding dues. Considering the claim made by the petitioner, the matter needs to be examined to ascertain the correctness of the bill's status. Accordingly, the records available were examined which reveal that: -

(i) Though the petitioner has claimed Rs. 8,40,879/- as outstanding dues, but from the examination it reveals that the petitioner has claimed an excess amount of Rs. 87,843/-. Thus, the actual claimed as per the records available is Rs.7,53,036/-.

(ii) That 8 No's of bills amounting to Rs. 7,53,036/- have already been forwarded to the sanctioning authority i.e. Assam Police Headquarter to accord approval of sanction as well as allotment of fund. The details of the bills are as follows:-

Proposal No.2223-2227 (RV) dated 31.10.2025

1	AS-01-DR-4194	01.07.2022	31.12.2022	Rs.	148764.00
2	AS-01-DR-4194	01.04.2024	30.06.2024	Rs.	88288.00
		4			
3	AS-01-DR-4194	01.01.2024	31.03.2024	Rs.	88288.00
		4			
4	AS-01-DR-4194	01.12.2023	31.12.2023	Rs.	30076.00
		3			
5	AS-01-DR-4194	01.01.2022	30.06.2022	Rs.	14338.00
		2			
				Rs.	501754.00

Proposal No.3374-3376 (RV) DATED 09.12.2025

1	AS-01-DR-4194	01.01.2023	31.03.2023	Rs.	72766.00
		3			
2	AS-01-DR-4194	01.07.2024	30.09.2024	Rs.	89258.00
3	AS-01-DR-4194	01.10.2024	31.12.2024	Rs.	89258.00
		4			
				Rs.	251282.00

The matter relating to the release of fund against the proposal amount of Rs.5,01,754/- and Rs.2,51,282/- respectively are always depend upon the Govt., which are yet to be received and as such the proposal amount payable to the petitioner is pending.

6. That with regard to the statements made in paragraphs – 6, 7, 8, 9 & 10 of the Writ Petition, the answering deponent begs to state that the bills submitted by the petitioner during the period were duly received on various dates and required steps have been made for payment of the payable amount to the petitioner. It is already stated that out of the claimed, petitioner has made excess claimed of Rs.87,843/-. However, proposals against bills amounting to Rs.5,01,754/- and Rs.2,51,282/- respectively have already been forwarded to the sanctioning authority to accord approval of sanction and allotment of fund. Therefore, the statement of the petitioner made in these para's of the writ petition are not correct.”

5. Upon perusal of the materials on record, and more particularly the communication dated 16.12.2025, it would be seen that the Respondents therefore admit that the Petitioner is entitled to the amount of Rs.7,53,036/- Accordingly, the writ petition is disposed of with the following observations and directions:-

- i) The Petitioner is entitled to the amount of Rs.7,53,036/- as admitted by the Respondents.
- ii) The said amount of Rs.7,53,036/- be paid to the

Petitioner within a period of 6 (six) months from the date a certified copy of the instant order is served upon the respondent No.3 i.e. the Director General of Police, Assam, Ulubari, Guwahati.

JUDGE

Comparing Assistant