

GAHC010203082021



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

Case No. : WP(C)/6309/2021

MUSLIM ALI
S/O LATE MAKBUL ALI
R/O SUNDARBARI
P.S. JALUKBARI, GUWAHATI-14, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND AND SPECIAL SECRETARY TO THE
GOVT. OF ASSAM,
PUBLIC WORKS DEPARTMENT (ROADS) DISPUR, GUWAHATI- 781006

2:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT. OF
ASSAM

PUBLIC WORKS DEPARTMENT (ROADS) DISPUR
GUWAHATI- 781006.

3:THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT (ROAD AND PMGSY WORKS)
ASSAM
CHANDMARI
GUWAHATI-3
DIST. KAMRUP (METRO)
ASSAM

4:SUPERINTENDING ENGINEER

PUBLIC WORKS DEPARTMENT
NALBARI ROAD CIRCLE
NALBARI

DIST.NALBARI
ASSAM

5:THE EXECUTIVE ENGINEER

PWD
NALBARI RURAL ROAD DIVISION
NALBARI
NOW RE-DESIGNATED AS THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)
NALBARI DISTRICT TERRITORIAL ROAD DIVISION
NALBARI
ASSA

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

28.05.2024

Heard Mr. D. Das, learned Sr. counsel assisted by Mr. K Talukdar, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, PWD.

The grievance of the petitioner is non release of the bills raised by the petitioner for execution of the construction of causeway over river Matanga on Road from Kumurikata to Kauli-2 (T-5) under Package nos. AS-24-14(ADB-II). The petitioner was awarded this contract to construct of a road. Subsequently, a part of the contract was modified for construction of causeway which the petitioner completed about 70% of the causeway. But inspite of that the claims of the writ petitioner has not been made and the bills raised remained unsettled on the ground that the Office of the Chief Engineer, PWD Roads did not approve the works executed in respect of the causeway.

In the counter affidavit filed by the Chief Engineer (Roads), there is a categorical averment in Paragraph-4 that the decision to set up a vented causeway covering length of 550m instead of RCC Bridge, as mentioned in the writ petition was not final and the concerned authority had rejected the proposal and the estimate submitted by the then Executive Engineer, PWD, Nalbari Rural Road Division vide letter No. 3532 dated 24.01.2011.

This statement however, is not supported by any official documents enclosed to the writ petition.

Mr. B. Gogoi, learned Standing Counsel, PWD submits that the rejection of the proposal sent by the Executive Engineer, PWD, Nalbari Rural Road Division in respect of the vented causeway is available in the records. He therefore, craves leave of the Court to produce copy of the relevant records by the next date fixed.

As agreed to by both the learned counsel, let the matter be listed again on 04.06.2024.

JUDGE

Comparing Assistant