

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, MR P SARMA

Advocate for the Respondent : SC, PWD,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 16.08.2024

Heard Mr. D. Das, learned senior counsel assisted by Mr. P. Sarma, learned counsel for the petitioner. Also heard Mr. P. Nayak, learned standing counsel for the PWD authorities.

While the entitlement of the petitioner herein to receive the amount claimed in the present proceeding is disputed by the PWD authorities by way of filing an affidavit, it is the contention of Mr. D. Das, learned senior counsel that the respondent authorities have not responded as regards the manner in which the communication dated 20.12.2016, issued by the Executive Engineer, PWD Nalbari Rural Roads Division, Nalbari was dealt with, and a perusal of the said communication shows that the petitioner had carried out the work after the approval of the same was so received. It is further contended by Mr. D. Das, learned senior counsel that in the affidavit so filed by the respondents, while brining on record a contention to the effect that the estimate, so submitted, after the earlier design was modified on 24.01.2011 by the Executive Engineer, PWD Nalbari Rural Roads Division, Nalbari was not approved, had not dealt with the said communication dated 20.12.2016.

Mr. P. Nayak, learned standing counsel shall receive instruction as to the purport of the

contention made in the communication dated 20.12.2016 and the steps taken by the Chief Engineer, PWD on receipt of the same. Mr. P. Nayak, learned standing counsel shall also receive instruction on the next date of listing, the decision either taken in the file or by way of written communication rejecting approval to the proposal/estimate submitted by the Executive Engineer, PWD, Nalbari Rural Roads Division, Nalbari vide his letter No.3532 dated 24.01.2011.

Mr. P. Sarma, learned counsel for the petitioner shall bring on record any order/direction issued by the competent authority for carrying out the works as per the modified design on the next date of listing.

List this matter on 30.08.2024.

JUDGE

Comparing Assistant