

GAHC010209002025



2026:GAU-AS:3973

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

Case No. : WP(C)/5699/2025

BHABANANDA KALITA
SON OF LATE BIPRA KALITA, RESIDENT OF WARD NO. 55, HOUSE NO. 128,
BELTOLA, P.O. BELTOLA, P.S. BASISTHA, DISTRICT- KAMRUP(METRO),
PIN-781028, 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
GUWAGHATI-1
ASSAM

Advocate for the Petitioner : MR. A DEKA,

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

17.03.2026

Heard Mr. A. Deka, learned counsel for the petitioner and Ms. U. Das, learned Additional Senior Government Advocate, Assam for all the respondents.

2. The case of the petitioner projected in this writ petition is, in brief, that he is the registered owner of five nos. of vehicles bearing Registration nos. - AS-01/EL-5044 [Bolero], AS-01/DQ-8366 [Scorpio], AS-01/EV-7231 [Bolero], AS-01/DX-1637 [Gypsy] and AS-07/N-6433 [Scorpio].

3. The petitioner has stated that during the years 2022 to 2024, the petitioner's vehicles were hired on different occasions by different orders issued under the hand of the respondent no. 4 and the respondent no. 5. The orders were passed mentioning that the vehicles were required for public service for the purpose of maintaining law and order in the State of Assam and the vehicles had been taken on hire as per the terms and conditions set forth in the order itself. The orders mentioned that the hire charges shall be paid on submission of bills in duplicate on completion of the duty for which the vehicles were hired and the bills would be forwarded to the concerned Superintendent of Police for payment. The hire charges shall be paid as per the specified rates for types of vehicle indicated therein and as per the Government Notification bearing no. TMV/E-58920 dated 28.08.2023.

4. The petitioner has stated that after each of the vehicles was released, he submitted bills as per the prescribed rate before the respondent authorities, as mentioned in a Table given in paragraph 5 of the writ petition. According to the petitioner, the total amount of all the bills, 37 in nos., had amounted to Rs. 66,25,430/-.

5. As despite repeated approaches and representations, the total amount of Rs. 66,25,430/- were not released to the petitioner, the petitioner has instituted the instant writ petition seeking inter alia a direction to the respondent authorities to release the said amount forthwith.

6. In response to the claim made by the petitioner, the respondent no. 2 has filed an affidavit-in-opposition traversing the statements and averments made in the writ petition. In the affidavit-in-opposition, the respondent no. 2 has stated that the five vehicles of the petitioner were hired for the purpose of maintaining law and order duty under the provisions of the Assam Requisition and Control of Vehicles Act, 1968 and as per the diem rate fixed by the State Government in the Transport Department vide a Notifications, dated 06.02.2014 & 26.08.2023, on various dates during the years 2022 to 2024 and thereafter, the vehicles were also released.

7. In so far as the claim made by the petitioner for the total bill amount of Rs. 66,25,430/- through 37 nos. of hire charges bills is concerned, the respondent no. 2 has averred that the records relating to hire charges bills received from the petitioner were examined. It is mentioned that on scrutiny of the hire charges bills, it is found that the total bill amount receivable by the petitioner is Rs. 60,88,363/-. Out of Rs. 60,88,363/- an amount of Rs. 3,31,302/- has already been released in favour of the petitioner on 13.03.2025. After deduction of part-payment from the total hire charges bills, the bill amount which has remained outstanding is Rs. 57,57,061/-. For approval of sanction of the said amount of Rs. 57,57,061/-, three proposals - dated 09.12.2025, 28.11.2025 & 09.02.2024 - were submitted to the Assam Police Headquarter. It is further averred that the matter of release of the outstanding dues is dependent upon receive of Fixed on Ceiling [FOC] against the proposals submitted. Once Fixed on Ceiling [FOCs] are received against the proposals submitted,

requisite steps would be taken for release of the amount to the petitioner.

8. It is submitted by Ms. Das that a period of four months would be required to complete the entire formalities.

9. In view of admission of the liability to the extent of Rs. 57,57,061/- and the broad consensus arrived at by the parties in the afore-stated manner, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent authorities to complete the formalities of sanction and FOC to disburse the amount of Rs. 57,57,061/- to the petitioner within a period of 4 [four] months from today. It is accordingly ordered.

10. The petitioner shall submit a certified copy of this order at the office of the respondent no. 2 and the respondent no. 3 so as to enable the respondent no. 2 and the respondent no. 3 to complete the entire process to facilitate expeditious disbursement of the admitted amount to the petitioner.

11. This order disposes of the writ petition.

JUDGE

Comparing Assistant