

GAHC010241502025



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

Case No. : WP(C)/6372/2025

CAPOL AND 2 ORS.
(CACHAR MODEL DUCK -CUM- POULTRY PROJECT, BREEDING,
MARKETING AND PROCESSING DEVELOPMENT CO-OPERATIVE LTD),
CACHAR, SILCHAR, REPRESENTED BY ITS MANAGING DIRECTOR,
FARMAN ALI BARBHUIYAN

2: FARMAN ALI BARBHUIYAN
S/O LATE HAZI NUR ALI BARBHUIYAN
R/O VILL- BIDRUHIPAR
P.O.- HALIKHAL BAZAR
P.S.- KACHUDARAM
DIST- CACHAR
ASSAM
PIN-788116. MANAGING DIRECTOR
CAPOL (CACHAR MODEL DUCK -CUM- POULTRY PROJECT
BREEDING
MARKETING AND PROCESSING DEVELOPMENT CO-OPERATIVE LTD)
CACHAR
SILCHAR
DIST- CACHAR
ASSAM

3: ALPANA BEGUM LASKAR
D/O MAKABBIR ALI LASKAR
VILL- KAZIDAHAR PART-I
P.O.- KAZIDAHAR
P.S.- SONAI
PIN-788115
DIST- CACHAR
ASSAM. CHAIRPERSON
CAPOL (CACHAR MODEL DUCK -CUM- POULTRY PROJECT
BREEDING
MARKETING AND PROCESSING DEVELOPMENT CO-OPERATIVE LTD)
CACHAR

SILCHAR
DIST- CACHAR
ASSA

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT, JANATA BHAWAN, DISPUR, GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE
ASSAM CIVIL SECRETARIAT
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
JURIPAR
PANJABARI
GUWHAATI-781037

4:THE JOINT COMMISSIONER
O/O THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
JURIPAR
PANJABARI
GUWAHATI-781037

5:THE FINANCIAL ADVISOR
O/O THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
JURIPAR
PANJABARI
GUWAHATI-781037

6:THE MISSION DIRECTOR
ASSAM STATE RURAL LIVELIHOODS MISSION SOCIETY
SIVA NATH GOGOI PATH
PANJABARI
NABAJYOTI NAGAR
GUWAHATI-781037

7:THE DISTRICT COMMISSIONER
CACHAR
AND CHAIRMAN
DRDA

CACHAR
SILCHAR
DIST- CACHAR
ASSAM
PIN-788001

8:THE PROJECT DIRECTOR
DISTRICT RURAL DEVELOPMENT AGENCY
SILCHAR
DIST- CACHAR
ASSAM
PIN-78800

Advocate for the petitioner(s): Mr. S Sutradhar

Advocate for the respondent(s): Mr. S Dutta, Standing Counsel
P & RD Department
Mr. S Bhuyan

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

12.11.2025

Issue notice making it returnable on 10.12.2025.

2. Mr. S Dutta, the learned counsel appears and accepts notice on behalf of respondent Nos.1, 3, 4, 5, 6, 7 and 8 and Mr. S Bhuyan, the learned counsel appears and accepts notice on behalf of the respondent No.2. Extra copies of the writ petition be furnished to them during the course of the day.

3. Mr. S Dutta, the learned counsel appearing on behalf of the P & RD Department at the outset submits that though he accepts notice on behalf of the respondent No.7, taking into account that he has been shown as Chairman, DRDA as well as the respondent No.8 who has been arrayed as the Project Director, DRDA, but the District Rural Development Agency (DRDA) stood abolished sometime in the year 2017.

4. This is a second round of litigation. In the first round of litigation, this Court vide the order dated 10.04.2019 in WP(C)No.1109/2015 directed the Commissioner, P & RD to examine the matter and to pass appropriate orders on the claim of the petitioner No.1 i.e. the petitioner No.1 herein within a period of 3(three) months from the date the petitioners submit a certified copy of the said order along with the writ petition and the annexures enclosed thereto. The petitioners thereupon submitted the certified copy of the order dated 10.04.2019 along with the writ petition and the annexures.

5. Pursuant thereto, upon being directed by the Commissioner, P & RD Department, Assam to the respondent No.8 vide the communication dated 09.07.2019, the Project Director DRDA had given a finding on the entitlement of the petitioner to the effect that the petitioners are entitled to certain amounts as has been sought in paragraph 4 of the communication dated 25.07.2019 and the said amount was also not paid.

6. It is seen that pursuant thereto on 13.07.2023, the Commissioner, P & RD issued a communication to the Chief Executive Officer, Cachar Zilla Parishad Silchar seeking a justification report in respect to the long pending liability for the amount of Rs.8,45,751/-. The Chief Executive Officer, Cachar Zilla Parishad thereupon on 24.08.2023 submitted a communication thereby justifying that the petitioners herein would be entitled to Rs.8,39,251/- for the period from 14.06.1999 to 07.08.1999. However, inspite of that, the respondent authorities have not made any payment, for which, the petitioners have approached this Court for the second time seeking appropriate writ, direction(s) and order(s).

7. Mr. S Dutta, the learned Standing Counsel, P & RD shall apprise this Court on the next date fixed as to why the said amount has not yet been paid to the petitioners inspite of the decision as well as the justification given that the petitioners are entitled to an amount of Rs.8,39,251/-.

8. List accordingly.

JUDGE

Comparing Assistant