

GAHC010287472025



2026:GAU-AS:4099

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

Case No. : WP(C)/286/2026

DIMITRI IVAN NARZARY
S/O- LATE KAMALESWAR NARZARY, RESIDENT OF WARD NO. 7,
BAGANSALI, P.O. BHAKATPUR, P.O., P.S. AND DIST. KOKRAJHAR, ASSAM,
PIN- 783370.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVERNMENT
OF ASSAM, HOME AND POLITICAL DISPUR, GUWAHATI- 6.

2:THE BODOLAND TERRITORIAL AUTONOMOUS COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
BTAD
KOKRAJHAR
ASSAM

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DIRECTOR GENERAL OF POLICE
ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-7.

5:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (ADMN)
ASSAM
B K KAKOTY ROAD
ULUBARI

GUWAHATI-7.

6:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM

7:THE DISTRICT MAGISTRATE-CUM-DEPUTY COMMISSIONER
KOKRAJHAR (LAW AND ORDER) DIST. KOKRAJHAR
ASSAM

8:THE MOTOR TRANSPORT OFFICER (M.T.O)
KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA, MR. N ALI,MR. L MOHAN,MR A HOSSAIN

Advocate for the Respondent : GA, ASSAM, SC, BTC

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 19-03-2026

Heard Mr. J.I. Borbhuiya, learned counsel for the petitioner; and Mr. S.R. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 1, 3, 4, 5, 6, 7 & 8. There is no representation on behalf of the respondent no. 2 today on call.

2. The petitioner has stated that he is the registered owner of two vehicles bearing registration no. AS-16/AC-0787 [Winger] and AS-01/G-5887 [Mini Bus] [‘the subject-vehicles’, for short]. The petitioner has stated that on various occasions, the subject-vehicles were taken on hire by the office of the Deputy Commissioner, Kokrajhar [the respondent no. 7] and the orders to that effect were issued under the hand of the respondent no. 8. 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 orders 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 vehicles indicated therein and as per rates prescribed in the Government notifications.

3. 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. According to the petitioner, the total amount of all the bills had amounted to Rs. 23,14,906/-.

4. As despite repeated approaches and representations, the total amount of bills i.e. Rs. 23,14,906/- was not released to the petitioner, the petitioner has instituted the instant writ petition seeking a direction to the respondent authorities to release the said amount forthwith.

5. In response to the claim made by the petitioner, the respondent no. 6 has filed an affidavit-in-opposition traversing the averments and statements made in the writ petition. In the affidavit-in-opposition, the respondent no. 6 had admitted that the subject-vehicles were hired on different occasions during the period from 01.08.2016 to 24.06.2024. The respondent no. 6 had also admitted that the petitioner had submitted the bills wherein the total amount was Rs. 23,14,907/-. There was a negotiation and after negotiation, it was agreed that

the total amount towards hire charges would be revised to Rs. 21,83,526/-. The respondent no. 6 has further mentioned that as his office is not empowered to sanction the hire charges bill to the extent of Rs. 21,83,526/-, the matter has been taken up with the higher authorities for granting necessary sanction for release of the admissible amount. Admitting that he is duty bound to disburse the admissible amount, the respondent no. 6 has further mentioned that the amount would be released after sanction and release of funds by the higher authority subject to final verification of the admissible amount of Rs. 21,83,526/-. The respondent no. 6 has further averred that the subject-vehicles which are hired from the petitioner are for public service and maintenance of law and order in Kokrajhar district and were released in good condition.

6. When a query is put by the Court to Mr. Baruah, learned Junior Government Advocate, Assam for the State respondents as regards the period within which the entire process of verification, sanction and release of funds can be completed, Mr. Baruah has submitted that a period of four months would be sufficient to complete the entire formalities. Mr. Borbhuiya, learned counsel for the petitioner has agreed to the period mentioned by Mr. Baruah for completion of all the formalities.

7. In view of the admission of liability of hire charges to the extent of Rs. 21,83,526/- by the respondent no. 6 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 verification, sanction and release of funds for the amount of Rs. 21,83,526/- to

the petitioner within a period of 4 [four] months from the date of receipt of a certified copy of this order. It is accordingly ordered. The petitioner shall submit a certified copy of this Order at the office of the respondent no. 6 and the respondent no. 4 so as to enable the said respondents to complete the entire process to facilitate expeditious disbursement of the admitted amount to the petitioner within the period mentioned above.

8. This order disposes of the writ petition.

JUDGE

Comparing Assistant