GAHC010204972026

undefined

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

Case No. : WP(C)/5136/2026

KAMALAWATI DEVI
C/O SRI MANGAL CHAND SINGH, AGED ABOUT 47 YEARS, RESIDENT OF VILLAGE- VTC BORDOLONG, P.O. KHARIKHANA, DIST- HOJAI, ASSAM, PIN-782446.

VERSUS

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

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
B. K. KAKATY ROAD
ULUBARI
GUWAHATI-781007.

4:THE ASSISTANT INSPECTOR GENEAL OF POLICE (A)

ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-781007.

5:THE DISTRICT MAGISTRATE-CUM- DEPUTY COMMISSIONER
HAMREN
DISTRICT- WEST KARBI ANGLONG

ASSAM. PIN-782486.

6:THE SUPERINTENDENT OF POLICE
HAMREN
DISTRICT- WEST KARBI ANGLONG
ASSAM. PIN- 782486.

7:THE MOTOR TRANSPORT OFFICER (MTO) POLICE RESERVE
HAMREN
DISTRICT- WEST KARBI ANGLONG
ASSAM. PIN- 782486

Advocate for the Petitioner : MR. S K SINGH, S SINGH

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

23.09.2026

Heard Shri S. Singh, learned counsel for the petitioner, who by means of this application has prayed for a direction for release of a contractual dues amounting to Rs.15,44,098/-. Such claim has been made for requisitioning of the vehicle bearing registration No. AS-09C-3905 (Tata-407 Water Tank) by the District Administration. He has given a chart in paragraph 4 in which the details of the requisition has been made and in another chart, the amounts involved have been mentioned.

2. However, on a specific query made by this Court, the learned counsel for the petitioner has not been able to show any acknowledgment of the liability which is a *sine qua non* for a Writ Court to entertain an application for release of contractual dues as laid down by the Full Bench of this Court in the case of ***Tamsher Ali & Ors. -Vs-State of Assam and Others***, reported in ***2008 (4) GLT 1.***

3. Shri G. Bokolial, learned State Counsel has submitted that the petitioner can still approach the learned Civil Court for redressal of his grievance.

4. The scope of adjudication by this Court in exercise of its writ jurisdiction in a matter pertaining to claim for contractual dues is limited as those involve disputed questions of facts. However, the Hon'ble Full Bench in the aforesaid case of ***Tamsher Ali*** (supra)has laid down that to entertain a writ petition for adjudicating a claim for contractual dues, certain essential requirements are to be fulfilled which, amongst others would require an acknowledgment in writing by the Chief Engineer/ Head of the Department. For ready reference, the relevant observations are extracted hereunder:

> "*i) All claims for payment of outstanding dues would be entertained for consideration provided the same are admitted by the respective departments. The admissions of liability shall have to be certified by the respective Chief Engineer in respect of Works Departments and in respect of other departments by the Head of the departments.*
>
> *ii) All claims for payment of admitted outstanding dues would be entertained for payment provided the claims are lodged before the competent authority within a period of three years from the date of the payment becoming due.*
>
> *iii) All claims for payment of admitted outstanding dues in respect of which the contractors intend or have approached the Hon'ble Court, in such cases, the contractors must approach the Hon'ble High Court within a period of 3 years from the date of the payment becoming due. This view has been taken as the Hon'ble Apex Court in the State of Madhya Pradesh Vs. Bhailal Bhai and Ors. reported in AIR 1964 SC 1006 at Para*

21 has observed that though provisions of Limitation Act do not as such apply to proceedings under Article 226, the period of Limitation prescribed by Limitation Act for instituting a civil action may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Article 226 can be measured."

5. In the instant case, there is no acknowledgment of liability by any authority, not to talk about the designated authority i.e. Chief Engineer as provided by the Hon'ble Full Bench in the aforesaid case of ***Tamsher Ali*** (supra). In absence of such acknowledgment, the writ petition would not be maintainable.

6. The writ petition is accordingly dismissed.

7. Dismissal of the writ petition shall not be a bar for the petitioner to approach the appropriate forum for redressal of the grievance, if permitted by law. If such approach is made, the learned Forum would adjudicate the issue on merits.

JUDGE

Comparing Assistant