

WP(C) 4581/2009

BEFORE

THE HON'BLE MR. JUSTICE B.P. KATAKEY

The grievance of the petitioner in the present petition is that though he has already paid all the royalty payable to the Forest Department for extraction of the forest produce for utilization of the same in the work allotted to him by the PWD, the Department has deducted an amount of Rs.5,46,000/- from the running bills submitted by him on account of the forest royalty payable. The petitioner, therefore, has prayed for a direction to the respondent authorities to refund the said amount of Rs.5,46,000/- which according to the petitioner has illegally been deducted from the running bills.

Mr. Gautam, the learned standing counsel for the PWD on instruction has submitted that such amount has been deducted towards the royalty payable to the Forest Department as the petitioner failed to produce the proof relating to the payment of such royalty while extracting the forest produce, which has been done pursuant to the direction issued by the Govt.

Mr. Das, the learned counsel for the petitioner has submitted that he shall produce the proof relating to the payment of royalty before the departmental authority and the writ petition may be disposed of with a direction to the departmental authority to scrutinize such document to be produced by the petitioner and to refund the amount deducted.

In view of the aforesaid submission, the present writ petition is disposed of to the following effect:-

The petitioner shall produce the proof of payment of royalty in respect of the concerned forest produce before the Executive Engineer, PWD, Barpeta Rural Road Division, respondent No.5, who shall on receipt of the same verify the same and if upon such verification it is found that such royalty has been paid, the amount withheld shall be released.

The entire exercise is directed to be completed within 1(one) month from the date of production of proof by the petitioner. The petitioner shall along with the proof file the certified copy of the order passed today.