
(2003) 05 GAU CK 0027
In the Gauhati High Court
Case No : Writ Petition (C) No. 3542 of 2003

Amarjyoti Sarmah

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 16-05-2003

Acts Referred:

Assam Requisition and Control of Vehicles Act, 1968 — Section 3, 4

Citation : (2003) 3 GLR 193

Hon'ble Judges : Amitava Roy, J

Bench : Single Bench

Advocate : J. Ahmed, for the Appellant; G.A., for the Respondent

Judgement

Amitava Roy, J.—Heard Mr. J Ahmed, learned counsel for the petitioner and Mr. Bora, learned counsel for the State respondents.

As agreed upon by the learned counsel for the parties, I propose to dispose of this writ petition at the motion stage itself.

The case of the petitioner is that, he is the registered owner of a Tata Diesel Vehicle bearing Registration No. AS-25/C-9623 and the same is used for the public purposes. The grievance of the petitioner is that the State respondents have been requisitioning the said Vehicle time and again without complying with the requirements of Sections 3 and 4 of the Assam Requisition and Control of Vehicle Act, 1968. The State respondents have also not paid the requisition compensation of the Vehicle. He has expressed an apprehension that the respondents are again contemplating to requisition the said Vehicle.

In view of the law laid down by the Division Bench of this Court in Hemanta Kumar Sarma v. State of Assam (1991) 2 GLR 52, it is no longer res integra that before a public service vehicle is requisitioned, the concerned authorities are required to comply with Sections 3 and 4 of the aforementioned Act. Moreover, if such a vehicle is requisitioned, compensation is payable as provided under the Act.

In that view of the matter, I dispose of this writ petition with a direction that the State respondents that, if they inclined to requisition the above vehicle of the petitioner, they would strictly comply with the requirements of Sections 3 and 4 of the aforementioned Act. Further they would immediately look into the matter of the petitioners claim for compensation for requisition of his vehicle and the same would not be requisitioned until the compensation amount is computed and paid to the petitioner. No costs.