

GAHC010016342021



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

**Case No. : WP(C)/567/2021**

RAJAT ALI AND ANR  
S/O- LT. SEHER ALI, VILL.- NO. 2 ALOKJARI, P.O. BHALUKGHATA, P.S.  
BOKO, DIST.- KAMRUP, ASSAM, PIN- 781123

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE (R  
AND R) AND DISASTER MANAGEMENT DEPTT., DISPUR, GHY-06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
FINANCE DEPTT.  
DISPUR  
GHY-06

3:THE DY. COMMISSIONER  
KAMRUP  
AMINGAON  
ASSAM  
PIN- 781031

4:THE SUPERINTENDENT OF POLICE  
KAMRUP  
AMINGAON  
ASSAM  
PIN- 781031

5:THE CIRCLE OFFICER  
BOKO REVENUE CIRCLE  
P.O. AND P.S. BOKO  
DIST.- KAMRUP  
ASSAM

PIN- 781123

6:THE OFFICER-IN-CHARGE  
BOKO P.S.  
BOKO  
KAMRUP  
ASSAM  
PIN- 78112

Advocate for the Petitioner(s) : Mr. A. Mobaraque, Advocate

Advocate for the Respondents(s) : Mr. N. Goswami, Advocate  
: Mr. A. Bhattacharjee, SC, Revenue Department

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 25.08.2023**

1. This is an application filed under Article 226 of the Constitution of India whereby the Petitioners are aggrieved for non-payment of the Ex-gratia relief to which the Petitioners being the family members of the deceased persons are entitled in terms with the notification dated 15.11.2014.

2. The Petitioner No.1 herein claims to be the father of one Nazrul Ali @ Najrul Hoque (since deceased) and the Petitioner No.2 is the mother of Late Faizul Ali. The brief facts of the instant case is that on 13.12.2017 Late Nazrul Ali @ Najrul Hoque along with his friend Faizul Ali were coming towards Alekjari village from Boko by riding a motor cycle bearing Registration No.AS-19D-2970. On that very date, at about 10.10 PM, one vehicle bearing Registration No.AS-01-HC-8613 was coming in a rash and negligent manner hit the said motor cycle from the back side as a result which both of them sustained grievous injuries

and admitted to Gauhati Medical College and Hospital (GMCH). During the course of their treatment, Nazrul Ali @ Najrul Hoque died on 14.12.2017 and Faizul Ali died on 19.12.2017 in the hospital. The post mortem of the deceased persons were conducted at GMCH, Guwahati vide Boko P.S. GDE No.440 dated 13.12.2017 and to that effect, a case was registered vide Boko P.S. Case No.04/18 under Section 279/304(A) of the IPC.

3. Thereupon, the Petitioners had in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed representations to the Respondent No.3 praying for Ex-gratia payment of an amount of Rs.2,00,000/-. But the Respondent No.3 did not take any action for the payment to the Petitioners for which the instant writ petition is filed.

4. Today, when the matter was taken up, Mr. A. Bhattacharjee, the learned Standing counsel appearing on behalf of the Revenue Department has placed an instruction before this Court whereby it was mentioned that on 13.12.2017 at about 10:10 PM, while Nazrul Haque with his friend Faizul Ali was coming by a motor cycle bearing Registration No.AS-19-D-2970 towards Alekjari village from Boko, one vehicle bearing Registration No.AS-01-HC-8613 coming in a rash and negligent manner hit them and they were shifted to Gauhati Medical College and Hospital for treatment. An FIR was filed and thereupon a case was registered at Boko PS vide Boko PS Case No.04/2018 under Section 279/304(A) of the Indian Penal Code. The said instruction is kept on record and marked with the letter "X".

5. Mr. A. Bhattacharjee, the learned Standing counsel appearing on behalf of the Revenue Department submits that in similar matters this Court had issued directions for making payment after making due verification.

6. Taking into consideration the specific stand taken by the Petitioners on the basis of the notification dated 15.11.2014 and also the submission of Mr. A. Bhattacharjee, learned Standing counsel, Revenue Department to the effect that in respect to similarly situated persons this Court had passed directions for making payment after making due verification, this court is therefore of the opinion that it would be in the interest of justice that the instant petition be disposed of with a direction to the Respondent No.1 to consider the prayer of the Petitioners as regards the entitlement in terms with the notification dated 15.11.2014 and after due verification as regards the Petitioners' entitlement if it is found that the Petitioners are entitled, the said Ex-gratia payment of Rs.2,00,000/- each, may be released to the Petitioners.

7. It is further directed that the entire exercise be completed within a period of 3 (three) months from the date a certified copy of the instant order is served upon the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department.

8. The Petitioners are further directed to submit the Next of Kin Certificate to the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department along with the certified copy of this order.

9. With above observations and directions, the instant writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**