

GAHC010016352021



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

Case No. : WP(C)/626/2021

DAIBAKI BORO
W/O LATE GANESH BORO, VILL. BHALAPARA (BARGAON), P.O. SINGRA,
P.S. BOKO, DIST. KAMRUP (R), ASSAM, PIN 781135

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, REVENUE (R AND R) AND DISASTER MANAGEMENT DEPTT.,
DISPUR, GUWAHATI 781006

2:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM

FINANCE DEPTT.
DISPUR
GUWAHATI 781006

3:THE DEPUTY 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 POLICE STATION
BOKO
KAMRUP
ASSAM
PIN 78112

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

Advocate for the Respondents(s) : Mr. N. Goswami, Government Advocate
: Mr. R. Borpujari, 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 Petitioner is aggrieved for non-payment of the Ex-gratia relief to which the Petitioner being the wife of the deceased is entitled in terms with the notification dated 15.11.2014.

2. The brief facts of the instant case is that on 14.04.2018, the husband of the Petitioner namely Ganesh Boro (since deceased) was going towards Singra along with other passengers by a Magic Van bearing Registration No.AS-25-AC-2425, at about 2 PM a vehicle bearing Registration No.AS-01-JC-4171 was coming from opposite direction in a rash and negligent manner hit the said

Magic Van on the road as a result of which the husband of the Petitioner and the other passengers sustained grievous injuries. Thereupon, the husband of the petitioner was admitted at Critical Care Hospital, Guwahati. During the course of his treatment, he died on 09.05.2013. The post mortem of the husband of the Petitioner was conducted at GMCH Guwahati on 09.05.2018. In this connection, a case was registered being Boko P.S. Case No.239/18 under Sections 279/388/427 IPC.

3. Thereupon, the Petitioner had in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed a representation 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 which the petitioner is entitled to in terms with the notification dated 15.11.2014.

4. Being aggrieved, for non consideration of the request made by the Petitioner, the Petitioner has approached this Court under Article 226 of the Constitution of India.

5. Mr. R. Borpujari, 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 Petitioner on the basis of the notification dated 15.11.2014 and also the submission of Mr. R. Borpujari, 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.3 to consider the prayer of the Petitioner as regards the entitlement in terms with the notification dated 15.11.2014 and after due verification as regards the Petitioner's entitlement, if it is found that the Petitioner is entitled, the said Ex-gratia payment of Rs.2,00,000/- may be released to the Petitioner.

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

JUDGE

Comparing Assistant