

GAHC010017522023



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

Case No. : WP(C)/472/2023

JYOTSNA DAS
W/O- RATNESWAR DAS,
VILL.- BAREGAON,
P.O.- SORBHOG,
DIST.- BARPETA, ASSAM,
PIN- 781317.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
REVENUE (R AND R) AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GHY-06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-06.

3:THE DEPUTY COMMISSIONER
BARPETA
ASSAM.

4:THE SUPERINTENDENT OF POLICE
BARPETA
ASSAM.

5:THE OFFICER-IN-CHARGE
BARPETA ROAD POLICE STATION
BARPETA
ASSAM.

6:THE CIRCLE OFFICER
BARNAGAR REVENUE CIRCLE
BARNAGAR
BARPETA
ASSAM

Advocate for the Petitioner : MD H R AHMED

Advocate for the Respondent : SC, REVENUE

- B E F O R E -

HON'BLE MR. JUSTICE DEVASHIS BARUAH

21.07.2023

1. This is an application under Article 226 of the Constitution of India whereby the petitioner being aggrieved for non-payment of the ex-gratia relief to which the petitioner being mother 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 03.02.2015, at about 10:05 AM, while the son of the petitioner was on the way to Barpeta Road with his Motor Cycle bearing Registration No.AS-01AY-9988 and when he reached Kalabhanga, the offending vehicle bearing registration No.AS-01-AZ-6792 (Swift Dzire) coming from opposite direction driven in a rash and negligent manner knocked the Motor Cycle of the son of the petitioner. As a result of the said accident, the son of the petitioner sustained grievous injuries. Thereupon, he was taken to FAAMC Hospital, Barpeta for treatment but he succumbed to his injuries. To that effect, a case was registered vide Barpeta P.S. Case No.53/2015 under Sections

279/304(A)/427 IPC. Thereupon, the petitioner in terms with the notification dated 15.11.2014 issued by the respondent No.1 submitted a representations dated 30.01.2017 before the Deputy Commissioner, Barpeta praying for ex-gratia payment of an amount of Rs.2,00,000/- but the respondent No.2 did not take any action for the payment.

3. Being aggrieved for non-consideration of the request made, the petitioner has approached this Court under Article 226 of the Constitution of India.

4. Mr. S. Dutta, the learned Standing counsel, Revenue Department appearing on behalf of Respondent No.1 submits that in similar matters this Court had issued directions for making payment after making due verification.

5. 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. S. Dutta, the 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 therefore disposes of the present writ petition with a direction to the respondent No.1 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/- be released to the petitioner.

6. It is further directed that the entire exercise be completed within a

period of 2 (two) months from the date a certified copy of this order is served upon the Commissioner & Secretary to the Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department.

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

J U D G E

Comparing Assistant