

GAHC010025462023



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

Case No. : WP(C)/1299/2023

DALI GOGOI
W/O- LT. DIGANTA GOGOI,
VILL. KHAGORI GAON, P.O.- PAHUMARA,
P.S.- NORTH LAKHIMPUR,
DIST. LAKHIMPUR, ASSAM,
PIN- 781309.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
REVENUE (R AND R) AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM
DISPUR
GHY-6.

3:THE DEPUTY COMMISSIONER
LAKHIMPUR
NORTH- LAKHIMPUR
ASSAM

PIN- 787001.

4:THE SUPERINTENDENT OF POLICE
LAKHIMPUR
NORTH LAKHIMPUR
ASSAM

PIN- 787001.

5:THE CIRCLE OFFICER
NAOBAICHA REVENUE CIRCLE
P.S.- NORTH LAKHIMPUR

DIST.- LAKHIMPUR
ASSAM

PIN- 787023

For the Petitioner(s) : Mr. W. Rahman, Advocate

For the Respondent(s) : Mr. R. Borpujari, SC, Revenue

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

15.09.2023

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 No.1 being the wife as well as the petitioner Nos. 2 and 3 being the sons of the deceased are entitled in terms with the notification dated 15.11.2014.

2. The brief facts of the instant case is that on 31.05.2017 at about 2:50 PM, there was a collusion between a motor cycle and a scooty at Khagori Gaon near Shiva Mandir under the Silonibari Outpost in the District of Lakhimpur, Assam in which the husband of the petitioner sustained grievous injury and immediately he was admitted to the North Lakhimpur Civil Hospital but he died on the same day. In this regard, the in-Charge, Silonibari Outpost issued a police report vide Silonibari O.P.

GDE No.06 dated 03.06.2022. The petitioner vide the application dated 10.06.2022 addressed to the Respondent No.1 made a request to grant Ex-Gratia relief to the Next-of-Kin of the deceased as per government Notification dated 15-11-2014, issued by Government of Assam, Revenue (Relief & Rehabilitation Branch) and Disaster Management Department, Dispur, Guwahati-06. However, in spite of receipt of the said representation, the respondent No.1 till date, has not taken any action to release the relief and the Petitioner by filing this petition under Article 226 of the Constitution of India seeks a direction to the Respondents to release the amount of Rs. 2,00,000/(Two Lakhs only) as Ex-Gratia relief to the Next-of-Kin of the deceased.

3. Mr. R. Borpujari, 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.

4. 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, the learned counsel appearing on behalf of the 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 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.

5. It is further directed that the entire exercise be completed within a period of 3 (three) 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) Disaster Management Department.

6. The petitioner is 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.

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

JUDGE

Comparing Assistant