

GAHC010034102023



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

Case No. : WP(C)/972/2023

HANIF ALI
S/O LT. MOHAMMAD ALI, VILL-SHOWLIA, P.O.-RAVATARY, P.S.-SOUTH
SALMARA, DIST-SOUTH SALMARA MANKACHAR, ASSAM, PIN-783127

VERSUS

THE UNION OF INDIA AND 6 ORS.
MINISTRY OF HOME AFFAIRS (DISASTER MANAGEMENT DIVISION),
REPRESENTED BY ITS SECRETARY, C WING 3RD FLOOR, NDCC, JAI SINGH
ROAD, NEW DELHI-110000

2:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT (GENERAL)
DISPUR
GUWAHATI-06

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06

5:THE DEPUTY COMMISSIONER
SOUTH SALMARA MANKACHAR
HATSINGIMARI
P.O.-HATSINGIMARI

DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-783136

6:THE CIRCLE OFFICER OF SOUTH SALMARA REVENUE CIRCLE
P.O.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-783127

7:THE OFFICER-IN-CHARGE OF SOUTH SALMARA POLICE STATION
P.O.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-78312

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : DY.S.G.I.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.07.2023

The case of the petitioner herein is that the petitioner is aggrieved by the non-payment of the ex-gratia compensation to the petitioner in terms with the notifications dated 27.07.2011; 08.04.2015 and 02.05.2015.

2. The case of the petitioner is that on 16.07.2022, the daughter of the petitioner, namely, Halima Khatun, aged about 6 years died due to drowning in the Brahmaputra River at Village- Showlia under South Salmara P.S. Thereafter, a case was registered before the South Salmara Police Station being GDE No.293 dated 16.07.2022. It further reveals from

the record that the post mortem examination was carried out on 18.07.2022 and police report dated 21.09.2022 reveals that the petitioner's aforesaid daughter died due to drowning. Thereupon, the petitioner submitted representation to the Deputy Commissioner, South Salmara as well as the Circle Officer, South Salmara Revenue Circle on 13.10.2022. However, the respondent authorities have not paid ex-gratia payment to the petitioner for which the petitioner has approached this Court.

3. The learned counsel for the petitioner has drawn the attention of this Court to the communication dated 02.05.2015 wherein it has been mentioned that an amount of Rs.4,00,000/- is to be paid as ex-gratia to the family of the deceased person.

4. This Court had issued notice on 22.02.2023.

5. Mr. S. Baruah, the learned counsel appearing on behalf of the respondents submitted that as per the instructions, the Village- Showlia falls within the jurisdiction of the Deputy Commissioner, Dhubri, and under such circumstances, the petitioner ought to have filed the representation before the Deputy Commissioner, Dhubri and not before the Deputy Commissioner, South Salmara. The learned counsel for the respondents further submitted that if the petitioner is entitled to in terms with the said scheme for ex-gratia payment, the same shall be paid to the petitioner subject to necessary verification.

6. Taking into account the above, this Court, therefore, disposes of the instant writ petition giving the liberty to the petitioner to approach the Deputy Commissioner, Dhubri by filing a representation seeking ex-gratia

payment of the amount of Rs.4,00,000/- on account of death of the daughter of the petitioner.

7. It is observed that if the petitioner approaches the Deputy Commissioner, Dhubri by filing a representation, the Deputy Commissioner, Dhubri shall consider the same on the basis of the extant policy and upon making necessary verification and if found that the petitioner is entitled to the said amount, the same be paid to the petitioner.

7. The said exercise be completed within a period of 4 (four) months from the date a certified copy of the instant order along with the representation is submitted to the Deputy Commissioner, Dhubri.

JUDGE

Comparing Assistant