

GAHC010034732021



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

Case No. : WP(C)/1260/2021

HASNARA KHATUN AND 4 ORS

W/O- LT. SAFIKUL ISLAM, R/O- VILL- NO. 2 UDALGURI JANGHAL, P.O. AND
P.S. URANG, DIST.- UDALGURI, ASSAM, PIN- 784509

2: MD. MAFIJUDDIN @ MOBIZUDDIN @ ABDUL MAFIJ

S/O- LT. ABDUL KARIM

R/O- VILL- NO. 2 UDALGURI JANGHAL

P.O. AND P.S. URANG

DIST.- UDALGURI

ASSAM

PIN- 784509

3: REJIA BEGAM

W/O- MD. MAFIJUDDIN @ MOBIZUDDIN @ ABDUL MAFIJ

R/O- VILL- NO. 2 UDALGURI JANGHAL

P.O. AND P.S. URANG

DIST.- UDALGURI

ASSAM

PIN- 784509

4: MD. HASIRUL ISLAM

S/O- LT. SAFIKUL ISLAM

R/O- VILL- NO. 2 UDALGURI JANGHAL

P.O. AND P.S. URANG

DIST.- UDALGURI

ASSAM

PIN- 784509

BEING MINOR REP. BY HIS MOTHER I.E. PETITIONER NO. 1 AS NATURAL
GUARDIAN

5: MD. ABUL HASIB

S/O- LT. SAFIKUL ISLAM

R/O- VILL- NO. 2 UDALGURI JANGHAL

P.O. AND P.S. URANG

DIST.- UDALGURI
ASSAM
PIN- 784509
BEING MINOR REP. BY HIS MOTHER I.E. PETITIONER NO. 1 AS NATURAL
GUARDIA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPTT., (RELIEF AND REHABILITATION),
DISPUR, GHY-06

2:THE DY. COMMISSIONER OF KAMRUP (M)
ASSAM
P.O. AND P.S. PANBAZAR
PIN- 781001

3:THE DY. COMMISSIONER OF UDALGURI
ASSAM
PIN- 784509

4:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
P.O.- BELTOLA
P.S. BASISTHA
DIST.- KAMRUP (M)
ASSAM
PIN- 781028

5:THE OFFICER-IN-CHARGE
GUWAHATI G.R.P.S.
DIST.- KAMRUP (M)
ASSAM
PIN- 781001

6:THE UNION OF INDIA
REP. BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GHY- 11

For the Petitioner(s) : Mr. S. I. Akand, Advocate

For the Respondent(s) : Mrs. P. R. Mahanta, SC, Revenue

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 18.10.2023

1. This is an application filed under Article 226 of the Constitution of India whereby the Petitioners being aggrieved for non-payment of the ex-gratia relief to which the Petitioners being the family members 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 04.06.2019 at about 9:00 PM - 10:00 PM when the deceased Late Safikul Islam was walking through a public road which was crossed over a railway track at Bamunimaidam area, Guwahati, a train came on the track and dashed against the deceased. The said deceased person i.e. Late Safikul Islam died on the spot by sustaining grievous injuries. The post-mortem examination of the deceased was conducted at Gauhati Medical College & Hospital on 05.06.2019. In connection with the said accident, the concerned Guwahati G.R.P.S. registered a case bearing U.D. Case No.50/2019 dated 06.06.2018. Thereupon, the Petitioners had in terms with the notification dated 15.11.2014 issued by the Respondent No.1 approached before the Office of the Deputy Commissioner, Kamrup (M) i.e. the Respondent No.2 praying for ex-gratia payment of an amount of Rs.2,00,000/-. But the said Respondent No.2 did not take any action for the payment for which the Petitioners had approached this Court under Article 226 of the Constitution of India.

3. Mrs. P. R. Mahanta, learned Standing counsel appearing on behalf of the 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 Petitioners on the basis of the notification dated 15.11.2014 and also the submission of Mrs. P. R. Mahanta, 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/- may be released to the Petitioners.

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 Petitioners are further directed to furnish the Next of Kin Certificates to the Commissioner & Secretary, 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