

GAHC010071722021



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

Case No. : WP(C)/2629/2022

CHAHED ALI AND 2 ORS
S/O LATE ISLAM ALI
VILL AND P.O- BORNİ
P.S- HAJO
DIST- KAMRUP (R)
ASSAM
PIN-781102

2: AMINA BEGUM
D/O- MD. ASAD ALI (FATHER) AND AFIA BEGUM (MOTHER)
VILL AND P.O- BORNİ
P.S- HAJO
DIST- KAMRUP (R)
ASSAM
PIN-781102

3: IFTAKUR AHMED
S/O- MD. ASAD ALI (FATHER) AND AFIA BEGUM (MOTHER)
VILL AND P.O- BORNİ
P.S- HAJO
DIST- KAMRUP (R)
ASSAM
PIN-781102
VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-06

2:THE ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED BY THE MEMBER SECRETARY
BEHIND GAUHATI HIGH COURT (NEW BUILDING)

LATASHIL
GUWAHATI
DIST- KAMRUP (M)
ASSAM
PIN- 781001
3:THE CHAIRMAN
DISTRICT LEGAL SERVICES AUTHORITY
KAMRUP (R)
P.O AND P.S- AMINGAON
DIST-KAMRUP (R)
ASSAM
PIN-781031
4:THE DISTRICT LEGAL SERVICES AUTHORITY

KAMRUP (R)
AT AMINGAON
REP. BY ITS MEMBER / SECRETARY
P.O - AMINGAON
P.S- NORTH GUWAHATI
DIST-KAMRUP (R)
ASSAM
PIN-781031
5:THE OFFICER IN CHARGE
HAJO POLICE STATION
P.O- HAJO
DIST- KAMRUP (R)
ASSAM
PIN-781102

For the Petitioner(s) : Mr. M. Hussain, Advocate
: Mr. A. K. Mollah, Advocate
: Mr. S. I. Akand, Advocate

For the Respondent(s) : Mr. N. Goswami, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 04.08.2023

1. The instant writ petition has been filed challenging the inaction on the part of the Respondent Authorities in making payment of the compensation to the

Petitioners in terms with the Assam Victim Compensation Scheme, 2012 (hereinafter referred to as "the Scheme of 2012") as well as the notifications issued in respect thereto.

2. The Petitioner No.1 claims to be the elder brother of the Petitioner Nos. 2 and 3 who admittedly are minors. From a perusal of the writ petition, it shows that the Petitioner No.1 is the son of one Late Islam Ali whereas Petitioner Nos. 2 and 3 are the children of Md. Asad Ali and Late Afia Begum. In paragraph No.7 of the writ petition, it has been mentioned that the Petitioner No.1 is the elder brother of Late Afia Begum as well as the maternal uncle of the Petitioner Nos. 2 and 3. There is nothing on record to show the link between the Petitioner No.1 with the Petitioner Nos. 2 and 3 except the statements made in the writ petition.

3. Be that as it may, an application was filed by the Petitioner No.1 to the Member/Secretary, State Legal Services Authority, Assam seeking compensation in terms with Section 357(A) of the Code of Criminal Procedure, 1973. It has been alleged that the Member/Secretary of the State Legal Services Authority, Assam have not taken any action for which the instant writ petition has been filed.

4. Taking into account the limited grievance so raised in the instant writ petition, this Court directs the Respondent Nos. 3 and 4 to consider the application of the Petitioner No.1 dated 31.10.2019 and also duly take note of the interest of the Petitioner Nos. 2 and 3 who are actually the victims under the Scheme of 2012 as they have lost their mother on account of their father who allegedly killed her on 07.07.2016.

5. The said exercise of consideration be carried out by the Respondent Nos. 3

and 4 upon receipt of a certified copy of the instant order which is required to be served upon the Respondent No.4. It is further directed that upon enquiry, if the Respondent Nos. 3 and 4 are of the opinion that the Petitioner Nos. 2 and 3 are entitled, the said award be passed within 2 (two) months from the date of receipt of the certified copy of this order. This Court further directs the Respondent No.4 to forward the award to the Respondent No.1. The Respondent No.1 shall on the basis of the said award, sanction the said amount in favour of the Petitioner Nos. 2 and 3 and disburse the amount to the Respondent No.4 for onward disbursal to the Petitioner Nos. 2 and 3. The Respondent No.1 shall do the needful within 2 (two) months from the date of receipt of the award from the Respondent No.4. The Petitioners shall also serve a certified copy of this order to the Respondent No.1.

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

JUDGE

Comparing Assistant