

GAHC010079322023



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

Case No. : WP(C)/2239/2023

PANIJAN DAS AND ANR
W/O- SRI JOGEN DAS, R/O- VILL- MERAPANI PANCHABATI, P.O.
MERAPANI, P.S. MERAPANI, DIST.- GOLAGHAT, ASSAM, PIN- 785705

2: SRI JOGEN DAS
S/O- LATE BANAPAL DAS
R/O- VILL- MERAPANI PANCHABATI
P.O. MERAPANI
P.S. MERAPANI
DIST.- GOLAGHAT
ASSAM
PIN- 78570

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE
(RELIEF AND REHABILITATION) AND DISASTER MANAGEMENT DEPTT.,
DISPUR, GUWAHATI- 781006

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

3:THE DEPUTY COMMISSIONER OF GOLAGHAT
ASSAM
P.O. AND P.S. GOLAGHAT
PIN- 785621

4:THE CIRCLE OFFICER
GOLAGHAT REVENUE CIRCLE
P.O. AND P.S. GOLAGHAT

PIN- 785621

5:THE OFFICER-IN-CHARGE
MERAPANI POLICE STATION
P.O. MERAPANI
DIST.- GOLAGHAT
ASSAM
PIN- 78570

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

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

- B E F O R E -

HON'BLE MR. JUSTICE DEVASHIS BARUAH

28.07.2023

1. This is an application 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 parents 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 14.09.2016, the son of the Petitioners, namely, Late Anupam Das (since deceased) meet with a road traffic accident (Bike accident) which took place within the jurisdiction of Merapani Police Station, District-Golaghat, Assam. The son of the Petitioners as a result of which sustained grievous injuries. Thereupon, he was taken to Merapani C.H.C for treatment. Thereafter he was admitted to Brahmaputra Diagnostics Hospital, Dibrugarh for higher treatment. Unfortunately, he expired on 19.09.2016 during the course of treatment. Thereupon the Petitioner No.2 in terms with the notification

dated 15.11.2014 issued by the Respondent No.1 submitted a representation dated 28.11.2022 to the Respondent No.3 i.e. the Deputy Commissioner, Golaghat, Assam praying for ex-gratia payment of an amount of Rs.2,00,000/- but the Respondent No.3 did not take any action for the payment.

3. Being aggrieved, for non consideration of the request made by the Petitioners, the Petitioners have approached this Court under Article 226 of the Constitution of India.

4. 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.

5. 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 Mr. R. Borpujari, 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 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.

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

J U D G E

Comparing Assistant