

GAHC010109292023



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

Case No. : WP(C)/2935/2023

NIRADA MEDHI

W/O- LATE SUREN MEDHI, VILL.- UJANKURI (SATAPARA), P.O. RAMDIA,
P.S. HAJO, DIST. KAMRUP, ASSAM, PIN- 781102.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (RELIEF AND REHABILITATION) 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
KAMRUP(R)
AMINGAON
ASSAM
PIN- 781031.

4:THE SUPERINTENDENT OF POLICE
KAMRUP(R)
AMINGAON
ASSAM
PIN- 781031.

5:THE CIRCLE OFFICER

HAJO REVENUE CIRCLE

P.O. AND P.S. HAJO
DIST. KAMRUP(R)
ASSAM
PIN- 781102.

6:THE OFFICER-IN-CHARGE
HAJO POLICE STATION
P.O. AND P.S. HAJO
DIST. KAMRUP(R)
ASSAM
PIN- 781102

Advocate for the Petitioner : MR. W RAHMAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

23.08.2023

Heard Mr. W. Rahman, learned counsel appearing for the writ petitioner. Also heard Ms. N. Bordoloi, learned Standing Counsel, Revenue Department, Assam appearing for the respondent No.1 and Mr. J. Handique, learned Addl. Senior Govt. Advocate, Assam appearing for the respondent Nos.3 to 6. Mr. P. Nayak, learned Standing Counsel, Finance Department, Assam is present for the respondent No.2.

The husband of the petitioner, viz., Late Suren Medhi had sustained grievous injuries in a road accident which took place at Ujankuri under the Hajo Police Station in the district of Kamrup(Rural) on 21.04.2022. Suren Medhi succumbed to his injuries on the same day i.e. 21.04.2022 while receiving treatment in the hospital. An ejahar was lodged, based on which, Hajo P.S. Case No.533/2022 was registered under Sections 279/304(A) of the IPC. Since the petitioner's

husband had died in a road accident which took place in a public place, as per the Government notification dated 15.11.2014 the petitioner, being the wife, was entitled to *ex-gratia* relief of an amount of Rs.2 lakhs. Accordingly, the petitioner had submitted an application dated 14.12.2022 seeking payment of *ex-gratia* compensation. However, since no action has been taken on the said application, the petitioner has approached this Court by filing the instant writ petition.

Ms. Bordoloi, learned Standing Counsel, Revenue Department, Assam submits that police report is not yet available in this case. Mr. Handique, learned Addl. Sr. Govt. Advocate, Assam submits that instructions are still awaited but he would have no objection if the writ petition is disposed of with a direction upon the jurisdictional Deputy Commissioner to verify the claim of the petitioner and process the same in accordance with law if the same is found to be admissible. The petitioner's counsel has also agreed to such an order.

In view of the above, instead of keeping this writ petition pending any further, this Court is also of the opinion that the matter calls for expeditious disposal.

As such, this writ petition is being disposed of with a direction upon the respondent No.2 i.e. the Deputy Commissioner, Kamrup(R) to examine the claim of the petitioner and if the same is found to be genuine, necessary steps, as may be warranted under the law, be initiated without any further delay for disbursement of *ex-gratia* relief to the petitioner. The other official respondents to cooperate in the process initiated for implementation of the court's order. The aforesaid exercise be carried out and completed, as expeditiously as possible, preferably within a period of three months from the date of receipt of a certified copy of this order.

With the above observation, this writ petition stands disposed of.

JUDGE

Comparing Assistant