

GAHC010115162021



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

Case No. : WP(C)/3887/2021

RAHITA BASUMATARY
W/O LATE JAMINI BASUMATARY
VILLAGE AND PO PUTHIMARI, PS SERFANGURI, DIST KOKRAJHAR, BTR,
ASSAM, 783347

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (R R) AND D.M DEPARTMENT, DISPUR GUWAHATI
06

2:THE DEPUTY COMMISSIONER

KOKRAJHAR
BTR
ASSAM
783370

3:THE CIRCLE OFFICER

DOTMA REVENUE CIRCLE
PO AND PS DOTMA
DIST KOKRAJHAR
BTR
ASSAM
783347

4:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
BTR
ASSAM

783370

5:THE OFFICER IN CHARGE
SERFANGURI POLICE STATION
KOKRAJHAR
BTR
ASSAM
78334

For the petitioner (s) : Mr. M. Hussain, Advocate
Mr. A. K. Mollah, Advocate
For the respondent (s) : Mr. R. Borpujari, SC, Revenue
Ms. S. Baruah, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

28.08.2023

This is an application filed under Article 226 of the Constitution of India whereby the Petitioner is aggrieved for non-payment of the ex-gratia relief to which the Petitioner being the wife 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 12.01.2021, when the husband of the Petitioner, namely, Jamini Basumatary (since deceased) was on his way to Ramfall Beel Market by riding his bicycle, a goods carrying Truck bearing Registration No.AS-01F-1098, coming from Kokrajhar side knocked down the husband of the Petitioner from backside at Belguri. As a result of which, the husband of the Petitioner died on the spot. Thereupon, the Petitioner, in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed a representation dated 17.06.2021 to the Respondent No.2 praying for ex-gratia payment of an

amount of Rs.2,00,000/-. But the Respondent No.2 did not take any action for the payment to which the petitioner is entitled to in terms with the notification dated 15.11.2014.

3. Being aggrieved, for non consideration of the request made by the Petitioner, the Petitioner has 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 Petitioner on the basis of the notification dated 15.11.2014 and also the submission of Mr. R. Borpujari, 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.2 to consider the prayer of the Petitioner as regards the entitlement in terms with the notification dated 15.11.2014 and after due verification as regards the Petitioner's entitlement, if it is found that the Petitioner is entitled, the said ex-gratia payment of Rs.2,00,000/- may be released to the Petitioner.

6. 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.

7. The Petitioner is further directed to submit the Next of Kin Certificate issued by the Deputy Commissioner of concerned District and/or such document(s) which would show that the petitioner is the wife of the deceased along with a certified copy of the instant order to the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department.

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

JUDGE

Comparing Assistant