

GAHC010118632021



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

Case No. : WP(C)/3823/2021

BIKI GARH
S/O LATE RAKESH GARH
VILL- PAKKA LINE, BOGGAPANI TEA ESTATE
P.O. BOGAPANI
P.S. DIGBOI
DIST. TINSUKIA, ASSAM
PIN-786171

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE (R AND R) AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DEPUTY COMMISSIONER

TINSUKIA
ASSAM
PIN-786125

4:THE SUPERINTENDENT OF POLICE

TINSUKIA
ASSAM
PIN-786125

5:THE CIRCLE OFFICER

MARGHERITA REVENUE CIRCLE
DIST. TINSUKIA
ASSAM
PIN-786171

6:THE OFFICER-IN-CHARGE

DIGBOI POLICE STATION
TINSUKIA
ASSAM
PIN-78617

For the Petitioner(s) : Mr. A. Mobaraque, Advocate

For the Respondent(s) : Ms. M. Barman, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 14.08.2023

1. This is an application filed under Article 226 of the Constitution of India whereby the Petitioner being aggrieved for non-payment of the ex-gratia relief to which the Petitioner being the family member 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 11.03.2018 at about 9:30 AM when the younger brother of the Petitioner namely Sandip Garh (since deceased) was going by a Tata Xenon vehicle bearing Registration No.AS-23/BC-2517 to Dibgoi Town through Panbari Road, the driver of the said vehicle caused an accident and as a result the Petitioner's brother fell down from the vehicle and received injuries. Thereupon, the brother of the Petitioner was admitted at

Digboi Civil Hospital but he was declared dead at hospital. The post mortem of the deceased person was conducted at Tinsukia Civil Hospital on 11.03.2018 itself. Thereupon, the Petitioner had in terms with the notification dated 15.11.2014 issued by the Respondent No.1 approached before the Office of the Deputy Commissioner, Tinsukia i.e. the Respondent No.3 praying for ex-gratia payment of an amount of Rs.2,00,000/-. But the said Respondent No.3 did not take any action for the payment for which the Petitioner had approached this Court under Article 226 of the Constitution of India.

3. Ms. M. Barman, 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.

4. 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 Ms. M. Barman, 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 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.

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 Petitioner is further directed to furnish the Next of Kin Certificate 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