

GAHC010122382022



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

Case No. : WP(C)/4327/2022

KANIKA BARUA AND 5 ORS
W/O. LT. BHABESH BARUAH,

2: SMT. UPANIKA DEKA

D/O. LT. BHABESH BARUAH

3: SMT. JINKI BARUAH
D/O. LT. BHABESH BARUAH

4: SMT. BHUPALI BARUAH
D/O. LT. BHABESH BARUAH

5: SMT. DIMPI BARUAH
D/O. LT. BHABESH BARUAH

6: RAJU BARUAH @ RAJU BARUJA

W/O. LT. PABITRA BARUAH
ALL ARE THE RESIDENTS OF VILL. AND P.O. BIHDIA
P.S. BAIHATA CHARIALI
DIST. KAMRUP (R)
ASSAM
PIN-781141

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 DEPUTY COMMISSIONER

KAMRUP (M) AT GUWAHATI
ASSAM
P.O. AND P.S. PANBAZAR
781001.

3:THE DEPUTY COMMISSIONER

KAMRUP (R) AT AMINGAON
ASSAM
P.O. AMINGAON
P.S. NORTH GUWAHATI
PIN-781031.

4:THE CIRCLE OFFICER

KAMALPUR REVENUE CIRCLE
P.O. DHUHI
P.S. KAMALPUR
DIST. KAMRUP (R)
ASSAM
PIN-781350.

5:THE OFFICER IN CHARGE

JALUKBARI POLICE STATION
P.O. GAUHATI UNIVERSITY
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN-781014

For the Petitioner(s)

: Mr. S. I. Akand, Advocate

For the Respondent(s)

: Mr. S. Dutta, Advocate

: Ms. N. Bordoloi, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 17.07.2023

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 family members 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 30.11.2013, the husband of the Petitioner No.1 namely Late Bhabesh Baruah (since deceased) while waiting for a public passenger vehicle while standing on the roadside at Jalukbari, near Lachit Park, was hit by a TATA Spacio vehicle bearing Registration No. AS-01Q-7807 in a rash and negligent manner. The husband of the Petitioner No.1 as a result of which sustained grievous injuries. Thereupon, he was taken to Assam Ayurvedic Medical College & Hospital at Jalukbari for treatment. Unfortunately, he expired on 01.09.2014 during the course of treatment. Thereupon the Petitioner No.1 in terms with the notification dated 15.11.2014 issued by the Respondent No.1 submitted two representations dated 03.12.2014 and 13.07.2021 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.

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. S. Dutta, 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. S. Dutta, 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.

JUDGE

Comparing Assistant