

GAHC010122712021



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

Case No. : WP(C)/4062/2021

RINA BASUMATARY
W/O LATE JAGADISH BASUMATARY @ JAGADISH CHANDRA
BASUMATARY, VILL-THURIBARI (PADMABILL), P.O.-AFLAGAON, P.S.-
SERFANGURI, DIST-KOKRAJHAR, BTR, ASSAM, PIN-783346

VERSUS

THE STATE OF ASSAM AND 3 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
ASSAM
P.O. AND P.S.-KOKRAJHAR
DIST-KOKRAJHAR
BTR
ASSAM
PIN-783370

3:THE CIRCLE OFFICER DOTMA REVENUE CIRCLE
P.O.-DOTMA
P.S.-DOTMA
DIST-KOKRAJHAR
BTR
ASSAM
PIN-783347

4:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM

PIN-783370

5:THE OFFICER-IN-CHARGE
SERFANGURI POLICE STATION
DIST-KOKRAJHAR
BTR
ASSAM
PIN-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 22.04.2018 at about 8:30 AM, when the husband of the Petitioner, namely, Jagadish Basumatary @ Jagadish Chandra Basumatary (since deceased) was on his way to Ramfall Beel Market by riding his brother's motorcycle bearing Registration No.AS-01W-2767, a Pulsar motorcycle came from the opposite direction and knocked down the motorcycle of the husband of the Petitioner at Jamfal Dingla Bridge on PWD Road. As a result of which the husband of the Petitioner sustained grievous injuries and died on the same day at Lower

Assam Hospital & Research Centre during treatment. 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. Ms. S. Baruah, the learned counsel appearing on behalf of the Deputy Commissioner, Kokrajhar submits that the amount of Rs.2,00,000/- has already been sanctioned in favour of the petitioner vide the order dated 15.11.2021.

5. The learned counsel for the petitioner as well as the learned counsels for the respondents submits that they have no instructions as to whether thereupon the payment has been disbursed to the petitioner. Be that as it may, this Court directs the Deputy Commissioner, Kokrajhar to verify whether the amount had been disbursed to the petitioner. Upon verification if it is found that the amount is not yet disbursed, this Court directs the Deputy Commissioner Kokrajhar to disburse the said amount of Rs.2,00,000/- to the petitioner within 15 (fifteen) days from the date a certified copy of the instant order along with bank details are submitted before the respondent No.2.

6. The order dated 15.11.2021 is kept on record and marked with the letter "X".

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

JUDGE

Comparing Assistant