

GAHC010124502017



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

Case No. : W.P.(Crl.)/4/2017

1: MASUDA KHATUN BIBI and ANR.
W/O. SOKIBAR RAHMAN, VILL. NOWER BHITA, P.O. DOTMA, P.S. DOTMA,
DIST. KOKRAJHAR, BTAD, ASSAM, PIN.- 783347.

2: KULACHUMA BIBI
W/O. ROBIUL SHEIKH
VILL. NOWER BHITA P.O. DOTMA
P.S. DOTMA DIST. KOKRAJHAR BTAD ASSAM PIN.- 783347

VERSUS

1: THE STATE OF ASSAM and 5 ORS. REP. BY THE COMMISSIONER and
SECRETARY TO THE GOVT. OF ASSAM, HOME DEPTT., DISPUR, GHY.-06.

2: THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM
REVENUE and DISASTER MANAGEMENT and RELIEF and REHABILITATION
DEPTT. DISPUR GHY.-6.

3: THE DY. COMMISSIONER
KOKRAJHAR BTAD ASSAM PIN.- 783370.

4: THE DIRECTOR GENERAL OF POLICE
ASSAM ULUBARI GHY.-7.

5: THE SUPERINTENDENT OF POLICE
KOKRAJHAR DIST. KOKRAJHAR BTAD ASSAM PIN.- 783370.

6: THE OFFICER-IN-CHARGE
DOTMA POLICE STATION P.O. DOTMA
DIST. KOKRAJHAR BTAD ASSAM PIN.- 783345

For the Petitioner : Mr. M. Hussain, Advocate.

For the Respondents : Mr. D. Nath, Senior Government Advocate, Assam.
: Ms. N. Bordoloi, Standing Counsel, Revenue Department.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 03-03-2023

This writ petition was filed praying for a writ of *habeas corpus* to direct the respondents to produce the corpses, i.e. the husband of the petitioners, namely, Sokibar Rahman and Robiul Sheikh, who had remained untraced since 26.02.2016.

An FIR was lodged which was registered as Dotma Police Station Case No.6/2016 under Section 365 IPC. Pursuant to the enquiries made and as per the status report submitted before this Court by Mr. D. Nath, learned Senior Government Advocate, Assam, it is seen that inspite of efforts being put in by the police and the Investigating Officer, no clue as regards those missing persons could be found out. Accordingly, final report being FR No.1/2023 dated 12.01.2023 was submitted by the police in respect of Dotma Police Station Case No.6/2016 under Section 365 IPC.

Mr. M. Hussain, learned counsel for the petitioners submits that the petitioners have also prayed for a direction from the respondent authorities for grant of compensation in terms of the Office Memorandum dated 15.11.2014. The learned counsel for the petitioners submits that in terms of the said Office Memorandum/Notification issued by the Government of Assam, Department of Revenue & Disaster Management, the next of kins of the deceased persons, namely, the petitioners herein, are entitled to the compensation as specified under the said Office Memorandum/Notification.

Mr. D. Nath, learned Senior Government Advocate, Assam does not dispute the submissions made.

Accordingly, in view of the Final Report being submitted by the Investigating Officer in Dotma Police Station Case No.6/2016, the writ petition is closed permitting the petitioners to approach the Government by way of filing necessary application(s) in terms of the Office Memorandum/Notification dated 15.11.2014. Pursuant to filing of such application(s), the competent authority will make necessary enquiry and pass appropriate orders granting compensation to the writ petitioners within a period of 2(two) months from the date of receipt of a certified copy of this order along with the application(s).

Writ petition is disposed of in terms of the above.

JUDGE

CHIEF JUSTICE

Comparing Assistant