

GAHC010124972021



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

Case No. : WP(C)/4956/2021

MALEKA KHATUN
W/O LATE MAFIJUR RAHMAN SARKAR ALIAS MAFIJUR RAHMAN
MAHFUZ
RESIDENT OF KAIMARI PART 3, PO KARIMARI, PS GOLAKGANJ, DHUBRI,
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT (RELIEF AND
REHABILITATION) DEPT. DISPUR GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPT
DISPUR GUWAHATI 781006

3:THE DEPUTY COMMISSIONER

UDALGURI
ASSAM

4:THE SUPERINTENDENT OF POLICE
UDALGURI
ASSAM

5:THE DEPUTY COMMISSIONER

DHUBRI
ASSAM

6:THE CIRCLE OFFICER

AGOMONI REVENUE CIRCLE
PO AGOMANI
PS GOLAKGANK
DHUBRI
ASSA

For the Petitioner(s) : Mr. I. Haque, Advocate

For the Respondent(s) : Mr. B.J. Talukdar, SC, Revenue.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

09.10.2023

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 07.02.2019 at about 4.00 AM when the husband of the Petitioner namely Mafijur Rahman Sarkar (since deceased) was going towards Siliguri, West Bengal from Dhemaji by a Bolero Pick Up vehicle bearing Registration No.AS07-AC-1933, the driver of the said vehicle i.e. Mafijur Rahman Sarkar (the husband of the Petitioner) lost his control over the vehicle and fell down from the vehicle as a result of which, the Petitioner's husband received grievous injuries and died on the spot. Thereupon, the dead body of the Petitioner's husband was sent by the police personnel of Lalpool Outpost

to Mangaldoi Civil Hospital for conducting post mortem examination. 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, Dhubri i.e. the Respondent No.5 praying for ex-gratia payment of an amount of Rs.2,00,000/-. But the said Respondent No.5 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. Mr. B.J. Talukdar, 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 Mr. B.J. Talukdar, 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 as per the Notification dated 15.11.2014, the said ex-gratia payment of Rs.2,00,000/- 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