

GAHC010127052023



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

Case No. : WP(C)/3389/2023

BINA ROY AND 2 ORS
W/O- LATE SWARAJ ROY @ SWARAJ CHANDRA RAY,
RESIDENT OF VILL- BARSAHAN,
P.O.- BARSAHAN,
P.S.- PATACHARKUCHI,
SUB-DIVISION- BAJALI,
DIST.- BARPETA, ASSAM,
PIN- 781326.

2: RAHUL DAS
S/O- LATE SWARAJ ROY @ SWARAJ CHANDRA RAY

RESIDENT OF VILL- BARSAHAN

P.O.- BARSAHAN

P.S.- PATACHARKUCHI

SUB-DIVISION- BAJALI

DIST.- BARPETA
ASSAM

PIN- 781326.

3: DHANMANI ROY
S/O- LATE SWARAJ ROY @ SWARAJ CHANDRA RAY

RESIDENT OF VILL- BARSAHAN

P.O.- BARSAHAN

P.S.- PATACHARKUCHI

SUB-DIVISION- BAJALI

DIST.- BARPETA
ASSAM

PIN- 781326

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
(RELIEF AND REHABILITATION BRANCH),
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DEPUTY COMMISSIONER
BARPETA
ASSAM
P.O. AND P.S.- BARPETA

PIN- 781314.

4:THE SUB-DIVISIONAL OFFICER
BAJALI SUB-DIVISION
P.O.- MUGURIA
P.S. BAJALI

DIST- BARPETA
ASSAM

PIN- 781325.

5:THE CIRCLE OFFICER
BAJALI REVENUE CIRCLE OFFICE
P.O. AND P.S.- PATACHARKUCHI

DIST. BARPETA
ASSAM

PIN- 781326.

6:THE OFFICER-IN-CHARGE OF PATACHARKUCHI POLICE STATION
P.O.- PATACHARKUCHI
DIST.- BARPETA

ASSAM
PIN- 781326

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

For the Respondent(s) : Mr. A. Bhattacharjee, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

13.09.2023

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 No.1 being the wife as well as the petitioner Nos. 2 and 3 being the sons 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 17.01.2019 at about 9.30 AM, the husband/father of the petitioners, namely, Swaraj Roy @ Swaraj Chanrda Ray was proceeding from his residence towards Patacharkuchi by riding a bicycle through 31 No. N.H. and when he reached nearby Kaldiya River Bridge, at that time an offending ALTO LXI Car bearing Regd. No. AS-01-AN-6372, which was driven by its driver in a rash and negligent manner, hit him from behind, as a result of which he sustained grievous injuries in person. Immediately he was taken to the nearest SMRSDCH, Pathsala, but due to more serious injuries the doctors referred him to G.M.C. &

Hospital for better treatment. Unfortunately, on 21-01-2019, he had expired therein at about 7:30 A.M. The petitioner No. 1 vide application dated 20-07-2022 addressed to the Respondent No.4 i.e. the then Deputy Commissioner of Bajali, Assam (presently merged with Barpeta District) made a request to grant Ex-Gratia relief to the Next-of-Kin of the deceased as per government Notification dated 15-11-2014, issued by Government of Assam, Revenue (Relief & Rehabilitation Branch) and Disaster Management Department, Dispur, Guwahati-06. However, in spite of receipt of the said representation, the respondent No.4 till date, has not taken any action to release the relief and the Petitioners by filing this petition under Article 226 of the Constitution of India seeks a direction to the Respondents to release the amount of Rs. 2,00,000/(Two Lakhs only) as Ex-Gratia relief to the Next-of-Kin of the deceased.

3. Mr. A. Bhattacharjee, 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 petitioners on the basis of the notification dated 15.11.2014 and also the submission of Mr. A. Bhattacharjee, 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 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.

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 petitioners are further directed to submit the Next of Kin Certificate to the Commissioner & Secretary, to the 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