

GAHC010138652021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
WP(C)/4479/2021

KHAYBAR ALI
S/O- LT. SOBAHAN ALI
VILL- CHOTODIGHALTARI
P.O. CHAGOLIA
P.S. GOLOKGANJ
DIST.- DHUBRI
ASSAM
PIN- 783335

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE (RELIEF AND REHABILITATION) AND DISASTER MANAGEMENT DEPTT.
DISPUR
GHY-06

3:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-06

4:THE DY. COMMISSIONER
DHUBRI
ASSAM
PIN- 783301

5:THE SUPERINTENDENT OF POLICE
DHUBRI
ASSAM
PIN- 783301

6:THE CIRCLE OFFICER
AGOMONI REVENUE CIRCLE

AGOMONI
DHUBRI (ASSAM)
PIN- 783335
7:THE OFFICER-IN-CHARGE
GOLOKGANJ P.S.
DHUBRI
ASSAM
PIN- 783335

For the Petitioner : Mr. A.F.N.U Mollah,
Advocate.

For the Respondents : Ms. S. Kemprai, Advocate (R- 4 & 6).
Mr. N. Goswami, GA, Assam.
Mr. S. Dutta, Advocate.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

02.08.2023

The instant writ petition has been filed by the Petitioner assailing the actions of the Respondent Authorities in not disbursing the amount of ex-gratia amount to which the Petitioner is entitled to in terms with the Govt. Notification dated 15.11.2014.

2. The case of the Petitioner herein is that his son namely Mohibul Haque who was aged about 22 years had after closing his vegetable shop on 14.02.2020 was coming home from Assam Mor on foot when he was hit and knocked down by a truck bearing No. AS-16 A-1499 in front of the Reliance Petrol Pump. In view of the said accident, the son of the Petitioner succumbed to his injuries. A post mortem was carried out on the same day in the Civil Hospital, Dhubri. An FIR was lodged on 19.02.2020 in respect to the said incident which was registered as Golokganj P.S. Case No.181/2020 under Sections 279/304(A) of the Indian Penal Code. It is further seen from the FIR dated 19.02.2020(Annexure-2), Post Mortem Report dated 14.02.2020 (Annexure-3) and the Accident Information Report dated

14.04.2020 enclosed as Annexure-4 that the son of the Petitioner had met with the said accident and succumbed to his injuries. The Petitioner thereupon in terms with the Notification No. RR.33/2014/66 dated 15.11.2014 issued by the Additional Chief Secretary, Revenue and Disaster Management Department applied for the ex-gratia compensation payable to the next of the kin of a person killed due to accident in public place. The said application was submitted to the Deputy Commissioner, Dhubri on 14.12.2020. As nothing was done by the said Respondent Authorities, the Petitioner therefore approached this Court by filing the present writ petition.

3. Mr. S. Dutta, the learned counsel appearing on behalf of the Revenue and Disaster Management Department submitted that the said amount have already been sanctioned by the Revenue Department and released to the Office of the Deputy Commissioner, Dhubri.

4. Mr. N. Goswami, the learned counsel appearing on behalf of the Deputy Commissioner, Dhubri submits that he has no instructions as to whether the amount have already been released to the Petitioner. Mr. A.F.N.U. Mollah also submits that he has no instructions as to whether the said amount have been disbursed to the Petitioner.

5. Be that as it may, taking into account that the entitlement of the Petitioner have already been ascertained and the Revenue and Disaster Management Department have already released the appropriate funds to the Deputy Commissioner, Dhubri, this Court therefore disposes off the instant writ petition with a direction to the Deputy Commissioner, Dhubri to release the entitlement of the petitioner upon a certified copy of the instant order is served to the Deputy Commissioner, Dhubri. The said exercise be carried out as expeditiously as possible and not later than 30 days therefrom. It is however made clear that if the amount had already been released to the Petitioner, there is no requirement to

release any additional amount as directed by this Court herein.

6. The instructions so submitted by Mr. S. Dutta issued by the Joint Secretary to the Government of Assam, Revenue and Disaster Management Department, Relief and Rehabilitation Branch is kept on record and marked with the letter "X" .

JUDGE

Comparing Assistant