

GAHC010132812021



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

Case No. : WP(C)/4591/2021

RABINDRA NATH MANDAL
S/O LATE NABO SUNDAR MANDAL
VILLAGE JALDOBA PART II
PO PAGLAHAT, PS KAZIGAON, DIST KOKRAJHAR, BTAD, ASSAM 783334

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
REVENUE (RELIEF AND REHABILITATION) AND DISASTER MANAGEMENT
DEPARTMENT
DISPUR GUWAHATI 781006

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI 781006

4:THE DEPUTY COMMISSIONER

DHUBRI
ASSAM
7833301

5:THE DEPUTY COMMISSIONER

KOKRAJHAR

BTAD
ASSAM 783370

6:THE SUPERINTENDENT OF POLICE
DHUBRI
ASSAM
783301

7:THE CIRCLE OFFICER

BAGRIBARI REVENUE CIRCLE
BAGRIBARI
KOKRAJHAR BTAD
ASSAM
783349

8:THE OFFICER IN CHARGE
GOLOKGANJ POLICE STATION
DHUBRI
ASSAM 78333

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

For the Respondent(s) : Ms. M. D. Barman, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 07.08.2023

1. This is an application 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 a family member of the deceased is entitled in terms with the notification dated 15.11.2014 has filed the instant writ petition.

2. The brief facts of the case is that on 02.03.2020 at about 11:30 PM, the son of the Petitioner namely Saurav Mondal (since deceased) aged about 24 years, was a pillion rider of a Motor Cycle bearing Registration No. AS-17-K-6558

and when they arrived at Chagolia Service Station, the said motor cycle involved in an accident due to rash and negligent driving of the rider as a result of which the son of the Petitioner succumbed to death on the spot and the post mortem of the dead body was conducted on 03.03.2020 in the Civil Hospital, Dhubri. Thereupon the Petitioner had in terms with the notification dated 15.11.2014 issued by the Respondent No.2 filed a representation dated 14.12.2020 to the Respondent No.4 praying for ex-gratia payment of an amount of Rs.2,00,000/-. But the Respondent No.4 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. M. D. Barman, learned Standing counsel, Revenue Department appearing on behalf of Respondent No.2 submits that in similar matters this Court had issued directions for making payment after making due verification.

5. 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 Ms. M. D. Barman, 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.2 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, the said ex-gratia payment of Rs.2,00,000/- may be released to the Petitioner.

6. It is further directed that the entire exercise be completed within a period of 2 (two) 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.

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

JUDGE

Comparing Assistant