

GAHC010138652021



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

WP(C)/4487/2021

MUJAFAR MANDAL
S/O LATE HAJI ABDUL RAHMAN
VILLAGE BIDYARDABRI PART I
PO BIDYARDABRI
PS GOLOKGANJ
DIST DHUBRI
ASSAM 783335

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR GUWAHATI 781006

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 783301

5:THE CIRCLE OFFICER

AGOMINI REVENUE CIRCLE
AGOMONI
DHUBRI
ASSAM
783335

6:THE OFFICER IN CHARGE
GOLOKGANJ POLICE STATION
DHUBRI
ASSAM 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 is that on 01.06.2018 at around 11 AM when his wife namely Anna Bibi alongwith his four year old son, namely Mahmadiul Houque were coming from Bidyardabri Village towards Bhai Bazar, his son was knocked down from the backside by a container truck bearing Registration No. NL 01 N-8239. The son of the Petitioner thereupon was taken to the Civil Hospital, Dhubri where he succumbed to his injuries. Subsequent thereto, a postmortem was conducted on the dead body of the son of the Petitioner on the same day in the Civil Hospital, Dhubri. An FIR was also registered being Golokganj P.S. Case No. 514/2018 under Sections 279/304(A) IPC. Subsequent thereto, on 14.06.2018, the Accident Information Report was submitted. The Petitioner thereupon submitted a representation before the Deputy Commissioner, Dhubri on the basis of the Notification No. RR.33/2014/66 dated

15.11.2014 whereby an ex-gratia compensation of an amount of Rs. 2,00,000/- was to be provided to the next of the kin of the deceased person. As the Respondent Authorities did not take any steps for redressal of the Petitioner's grievance, the Petitioner therefore approached this Court by filing the instant 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 to 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 other amount on the basis of the directions passed 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"

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JUDGE

Comparing Assistant