

GAHC010163472022



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

Case No. : WP(C)/5364/2022

SAZIDA AHMED
W/O- LATE ASRAF ALI,
VILL- HATIPOTA PART-II,
P.O AND P.S- BILASIPARA, DIST- DHUBRI,
ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPTT. DISPUR
GUWAHATI-6

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT. DISPUR
GUWAHATI-6

4:THE DEPUTY COMMISSIONER
DHUBRI
ASSAM
PIN-783301

5:THE SUPERINTENDENT OF POLICE
DHUBRI
ASSAM
PIN-783301

6:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
BILASIPARA

DHUBRI
ASSAM
PIN-783348

7:THE OFFICER IN CHARGE
CHAPAR POLICE STATION
DIST- DHUBRI

ASSAM
PIN-78337

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

14.08.2023

Heard Mr. A.F.N.U. Mollah, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Govt. Advocate, Assam appearing for the respondent Nos.1 and 4 to 7, Ms. N. Bordoloi, learned Standing Counsel, Revenue and Disaster Management Department, Assam appearing for the respondent No.1 and Mr. A. Chaliha, learned Standing Counsel, Finance Department, Assam appearing for the respondent No.3.

The case of the petitioner is that her husband, namely, Late Asraf Ali had died on 22.01.2021 in a tragic road accident. As per the policy decision of the Government of Assam notified on 15.11.2014 *ex-gratia* compensation of Rs.2

lakhs is payable to the next of kin of the deceased in case of such road accident. The writ petitioner claims to have submitted a representation dated 28.12.2021 before the Deputy Commissioner, Dhubri requesting for payment of *ex-gratia* compensation of Rs.2,00,000/-. However, till date, no action has been taken on her representation. Hence, this writ petition.

Today when the matter is called up before this Court, the learned departmental counsel has invited the attention of this Court to the affidavit filed by the respondent No.5, a perusal of which goes to show that the husband of the petitioner had died in a fatal road accident which took place on 22.01.2021. It appears that based on F.I.R. lodged in the matter, Chapar P.S. Case No.50/2021 has been registered under Sections 279/338/304(A)/427 of the IPC.

Be that as it may, the learned Standing Counsel, Revenue, submits that since the incident is not disputed and no instructions have been received from the Deputy Commissioner of the district, this matter be disposed of with a direction upon the respondent No.4 i.e. the Deputy Commissioner, Dhubri to examine the representation submitted by the petitioner and process the same in accordance with law for payment of the *ex-gratia* compensation.

The learned counsel for the petitioner has also agreed to such a recourse.

In view of the above, this writ petition stands disposed of with a direction upon the respondent No.4 to examine the claim of the petitioner, in the light of the standing Government notification and thereafter, process the same for payment of compensation of Rs.2,00,000/- if the same is found to be due and payable to the petitioner under the law. The aforesaid exercise be carried out and completed within a period of three months from the date of receipt of a certified copy of this order.

With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant