

GAHC010183552021



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

Case No. : WP(C)/5872/2021

SULEKA AHMED
W/O- LT. RAHIM BADSHA, VILL- KUKARPAR, P.S. SARTHEBARI, DIST.-
BARPETA, ASSAM, PIN- 781305

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE (R
AND R) AND DISASTER MANAGEMENT DEPTT., DISPUR, GHY-6

2:THE DY. COMMISSIONER
BARPETA
P.O.
P.S. AND DIST.- BARPETA
ASSAM
PIN- 781301

3:THE SUPERINTENDENT OF POLICE
BARPETA
ASSAM
PIN- 781301

4:THE OFFICER-IN-CHARGE
BARPETA P.S.
P.O.
P.S. AND DIST.- BARPETA
ASSAM
PIN- 781301

5:THE CIRCLE OFFICER
CHENGAR REVENUE CIRCLE
P.O. KHONGRA

P.S. TARABARI
DIST.- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR. W RAHMAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

10.05.2023

Heard Mr. W. Rahman, learned counsel for the petitioner and Mr. K. Gogoi, learned counsel for the respondent No. 2, 3, 4 & 5. Ms. G. Hazarika, learned counsel appears for the respondent No. 1.

2. The matter pertains to the claim of the petitioner for payment of Ex-Gratia Grant of Rs. 1 lakh in terms of the Notification No. RR.86/2005/22 dated 24.04.2007, issued by the Govt. of Assam, Revenue & Disaster Management Department, Relief & Rehabilitation Branch.

3. The petitioner's counsel submits that the petitioner's husband Rahim Badsha died on 14.11.2008 in a road traffic accident, pursuant to which Barpeta Police Station Case No. 893/2008 under Sections 279/338/304(A)/427 I.P.C was registered. The petitioner's counsel submits that the petitioner has also enclosed the next of kin certificate dated 31.08.2022 issued by the Office of the Deputy

Commissioner, Barpeta District, showing the petitioner to be the wife of the deceased. The petitioner's counsel submits that the petitioner is eligible to be given the Ex-Gratia Grant of Rs. 1 lakh as provided in the Notification dated 24.04.2007 and not the Notification dated 15.11.2014, as the Notification dated 15.11.2014 states that incidents occurring prior to 15.11.2014 would be governed by the O.M/notifications relevant to the period concerned.

4. The petitioner's counsel further submits that the delay in filing the present writ petition was due to the fact that the petitioner did not know about the Ex-Gratia Grant available and the petitioner came to know about the same only after passing of the judgment dated 04.05.2019 in ***Gunalata Das & Ors. Vs. State of Assam & Ors.*** reported in ***2019 4 GLT 17.***

5. The petitioner's counsel thus prays that a direction may be issued to the Deputy Commissioner, Barpeta District to examine the petitioner's representation dated 14.02.2020, for grant of Ex-Gratia Grant of Rs. 1 lakh in terms of the Notification dated 24.04.2007.

6. The learned counsels for the respondents submit that they have no objection to the prayer made by the petitioner.

7. In view of the consent of the parties, the Deputy Commissioner, Barpeta District is to examine the claim of the petitioner for grant of Ex-Gratia Grant of

Rs. 1 lakh in terms of the Notification dated 24.04.2007 and the petitioner's representation dated 14.02.2020. In the event it is found that the petitioner is entitled for the same, necessary sanction for payment of the Ex-Gratia Grant should be provided by the respondent No. 1. The entire exercise should be concluded with a period of 3 (three) months from the date of receipt of a certified copy of this order.

Writ petition is accordingly disposed of.

JUDGE

Comparing Assistant