

GAHC010190332023



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

Case No. : WP(C)/5075/2023

THUNO BIBI
W/O- LT. BHANDA SHEIKH, VILL- HALIGAON (ISLAMPUR), P.O.
BIJOYNAGAR, P.S. PALASHBARI, DIST.- KAMRUP, ASSAM, PIN- 781122

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPTT., RELIEF
AND REHABILITATION BRANCH, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06

3:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
P.O. AMINGAON
DIST.- KAMRUP
ASSAM
PIN- 781031

4:THE SUPERINTENDENT OF POLICE
KAMRUP
AMINGAON
P.O. AMINGAON
DIST.- KAMRUP
ASSAM
PIN- 781031

5:THE OFFICER-IN-CHARGE
OF PALASHBARI POLICE STATION
P.O. PALASHBARI
DIST.- KAMRUP
ASSAM
PIN- 781128

6:THE CIRCLE OFFICER OF PALASHBARI REVENUE CIRCLE
P.O. PALASHBARI
DIST.- KAMRUP
ASSAM
PIN- 78112

Advocate for the Petitioner(s) : Mr. M. R. Khandakar, Advocate

Advocate for the Respondents(s) : Ms. M. Barman, Jr. Government Advocate
: Mr. R. Borpujari, SC, Revenue Department

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 08.09.2023

1. This is an application filed under Article 226 of the Constitution of India whereby the Petitioner is aggrieved for non-payment of the Ex-gratia relief to which the Petitioner being the mother of the deceased person is entitled in terms with the notification dated 15.11.2014.

2. The Petitioner herein claims to be the mother of one Narjun Ali (since deceased). The brief facts of the instant case is that on 19.05.2021 at around 2:25 PM, Late Narjun Ali was going to Batarhat from Bijohnagar. While he reached nearby a petrol pump of Bijohnagar, a truck bearing Registration No.AS-01-DC-1107 was coming from the same direction hit the son of the Petitioner from backside and as a result, the son of the Petitioner sustained grievous

injuries. Thereafter, Late Narjun Ali was admitted in Aruna Memorial Hospital, Guwahati but he died on the same day during the course of his treatment. The post mortem examination of Late Narjun Ali was conducted in the Gauhati Medical College & Hospital, Guwahati on 20.05.2021. To that effect, a case was registered vide Palashbari P.S. Case No.374/2021 under Section 279/304(A) of the IPC.

3. Thereupon, the Petitioner had in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed a representation dated 18.07.2023 to the Respondent No.3 praying for Ex-gratia payment of an amount of Rs.2,00,000/-. But the Respondent No.3 did not take any action for the payment to the Petitioner for which the instant writ petition is filed.

4. Mr. R. Borpujari, the learned Standing counsel appearing on behalf of the Revenue Department 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 Mr. R. Borpujari, 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.1 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 3 (three) months from the date a certified copy of the instant order is served upon the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department.

7. The Petitioner is further directed to submit the Next of Kin Certificate to the Commissioner & Secretary to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department along with the certified copy of this order.

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

JUDGE

Comparing Assistant