

GAHC010190932022



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

Case No. : WP(C)/6224/2022

SANGITA DEVI DAS AND ANR
W/O- LATE AMAL DAS,
PRESENTLY RESIDING AT
C/O- SRI NAYAN JYOTI SARMA,
H.NO. 8, SIXMILE, VIP ROAD,
DIST. KAMRUP(M), ASSAM,
PIN-781022.

2: MASTER MRINMOY JYOTI DAS
S/O. LATE AMAL DAS

PRESENTLY RESIDING AT
C/O- SRI NAYAN JYOTI SARMA

H.NO. 8

SIXMILE
VIP ROAD

DIST. KAMRUP(M)
ASSAM.

(MINOR SON IS REPRESENTED BY MOTHER
PETITIONER NO. 1)

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (R AND R) AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
MAJULI
ASSAM

PIN- 785105.

3:THE SUPERINTENDENT OF POLICE
GUWAHATI
ASSAM
PIN- 781001.

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MS S CHAKRABORTY

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 19.06.2023

Heard Ms. S Chakraborty, learned counsel for the petitioners and Ms. PR Mahanta, learned counsel for the respondent No.1. Also heard Mr. N Goswami, learned Government Advocate appearing for the respondent Nos. 2 and 3.

2. The petitioners have filed this writ petition seeking payment of *ex-gratia* amount to the tune of Rs.2 Lakhs on the basis of the notification dated 15.11.2014 issued by Additional Chief Secretary, Revenue & D.M. Department vide Memo No. RR.33/2014/66-A, which provides *inter-alia* for payment of *ex-gratia* to the tune of Rs.2 lakhs to the next of kin of persons killed due to accident in public places or in public carriers, by contenting that while the deceased husband of the petitioner No.1 late Amol Das was returning to his rented house towards Jorabat from Khanapara on 28.10.2020, at about 5.45 pm in his motor cycle bearing Registration No. AS-01/DT-4009 and when he reached near SIRD, Khanapara at National Highway 37, the offending vehicle bearing Registration No. AS-01-EC-3181 (Tipper) driven by the driver in a rash and negligent manner knocked the husband of petitioner No.1 from the backside and as a result of which, he sustained grievous injuries and eventually he was declared brought dead by the doctors at Gauhati Neurological Research Centre (GNRC).

3. The fact that late Amol Das, husband of the petitioner No.1 died in an accident that took place on 28.10.2020 in the manner described by the petitioners have not been disputed by Mr. N Goswami, learned Government Advocate for respondent No. 2 on the basis of a written instruction received by him from the Deputy Commissioner of Police (Crime) vide Memo No.V/HC-112/WP©No.6224-22/2022/2641, dated 29.11.2022 addressed to Ms. Meghali Barman, Junior Government Advocate, Gauhati High Court.

4. Since the notification dated 15.11.2014 issued by the Additional Chief Secretary, Revenue & D.M. Department provides for payment of *ex-gratia* to the next of kin of persons killed due to accident in public places or in public carriers and the fact that the late husband of the petitioner No.1 died due to accident in public place as described by the petitioner has been confirmed vide the letter dated 29.11.2022 of the Deputy Commissioner of Police (Crime), Guwahati addressed to Ms. Meghali Barman, Junior Advocate, this writ petition stands allowed with a direction to the respondent authorities to pay the petitioners a sum of Rs.2,00,000/- (Two Lakhs) in terms of the notification dated 15.11.2014 aforementioned within a period 04(four) weeks from the date of receipt of a certified copy of this order.

5. The letter dated 29.11.2022 addressed to Ms. Meghali Barman, Junior Government Advocate, Gauhati High Court by the Deputy Commissioner of Police (Crime), Guwahati shall be retained on record and marked as Annexure-'X' for identification.

The writ petition stands disposed of.

JUDGE

Comparing Assistant