

GAHC010191342023



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

Case No. : WP(C)/5023/2023

JIBON HEMBROM
S/O LT. SUNDA HEMBROM, VILL- HARAPUTA (TELIPARA), P.O.-
HARAPUTA, P.S.-GOSSAIGAON, DIST- KOKRAJHAR, BTR, ASSAM, PIN-
783361

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
RELIEF AND REHABILITATION BRANCH, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT.
DISPUR
GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

4:THE BODOLAND TERRITORIAL REGION (BTR)
REPRESENTED BY ITS PRINCIPAL SECRETARY
KOKRAJHAR
DIST- KOKRAJHAR
BTAD
ASSAM
PIN-783370

5:THE DEPUTY COMMISSIONER
KOKRAJHAR

P.O.-KOKRAJHAR
DIST-KOKRAJHAR
BTAD
ASSAM
PIN-783370

6:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
P.O.-KOKRAJHAR
DIST- KOKRAJHAR
BTAD
ASSAM
PIN-783370

7:THE OFFICER-IN-CHARGE OF GOSSAIGAON POLICE STATION
P.O.-GOSSAIGAON
DIST-KOKRAJHAR
BTR
ASSAM
PIN-783360

8:THE CIRCLE OFFICER
GOSSAIGAON REVENUE CIRCLE
P.O.-GOSSAIGAON
DIST-KOKRAJHAR
BTR
ASSAM
PIN-78336

For the Petitioner(s) : Mr. M. R. Khandakar, Advocate
For the Respondent(s) : Mr. S. R. Rabha, Advocate
: Ms. N. Bordoloi, SC, Revenue Department

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 01-09-2023

1. The instant writ petition has been filed by the Petitioner being aggrieved by the inaction on the part of the Respondent Authorities in not making payment of

the Ex-gratia amount of Rs.3,00,000/- to the Petitioner.

2. The facts involved in the instant proceedings is that the Petitioner claims to be the son of one Sunda Hembrom (since deceased) who was killed by Bodo extremist attack on 23.06.1998. On the basis of the attack made to the father of the petitioner, an FIR was filed on 10.06.1998 and on the basis of which Gossaigaon P.S. Case No.93/98 was registered under Sections 147/341/326 of the Indian Penal Code. Subsequent thereto, the said case was again re-registered under Sections 147/341/326/302 of the IPC.

3. A police report was submitted on 06.04.2021 stating inter alia that some Bodo extremists attacked the petitioner's father and seriously injured him and as a result of which the father of the Petitioner died. It is however not known what has transpired thereupon in respect to the said criminal proceedings. Be that as it may, the Petitioner herein had filed an application on 16.06.2023 praying for grant of Ex-gratia of Rs.3,00,000/- which however not been paid to the Petitioner for which the instant writ petition was filed.

4. This Court has duly perused the notification issued on 14.12.2004 whereby there was an enhancement of the amount from Rs.1,00,000/- to Rs.3,00,000/- to be paid to the Next of Kin of the persons killed in extremist/terrorist violence in the State as on or after 22.06.2004. Subsequent thereto, an Office Memorandum was issued on 29.07.2013 wherein on the basis of an order passed by this Court in WP(C) No.3355/2007, the benefit of this amount of Rs.3,00,000/- was also extended to those persons killed in extremists violence prior to 2004 whose relatives did not apply for any appointment prior to 22.06.2004 or had applied after 22.06.2004 and may or may not have received Ex-gratia grant under the 2004 notification i.e. Rs.3,00,000/-.

5. Taking into account the above, this Court is of the opinion that the Next of Kin of Late Sunda Hembrom would be entitled to Ex-gratia compensation of Rs.3,00,000/-. But taking into account that it is only the Next of Kin of the victim who was killed by extremist violence would be entitled to, it is the opinion of this Court that the same would require verification.

6. Under such circumstances, the instant writ petition stands disposed of thereby directing the Respondent No.5 to make necessary verification as to whether the Petitioner is the son of Late Sunda Hembrom and after necessary verification, if it is found that the Petitioner is the son of Late Sunda Hembrom, the said Ex-gratia amount of Rs.3,00,000/- be paid to the Petitioner. The said exercise be completed within 3 (three) months from the date a certified copy of the instant order is served upon the Respondent No.5 along with the Next of Kin Certificate of Late Sunda Hembrom.

7. The Respondent No.1 shall also take necessary steps so that the Respondent No.5 is in a position to comply with the directions passed hereinabove.

8. The Petitioner is also directed to serve a copy of the instant order to the Respondent No.1.

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

JUDGE

Comparing Assistant