

GAHC010191422023



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

Case No. : WP(C)/5024/2023

SHUKLA MAZUMDAR @ SUKLA MAZUMDER
W/O- LATE GOPAL MAZUMDAR,
R/O- H.NO- 21, NEW COLONY, ADABARI,
P.O- PANDU, P.S- JALUKBARI, GUWAHATI,
DIST- KAMRUP (M), ASSAM, PIN-781012

VERSUS

THE STATE OF ASSAM AND 5 ORS H
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF
ASSAM, REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR , GUWAHATI-781006, KAMRUP (M),
ASSAM

2:THE COMMISSIONER AND SECRETARY

TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006
KAMRUP (M)
ASSAM

3:THE DISTRICT COMMISSIONER
MORIGAON
ASSAM
PIN-782105

4:THE DISTRICT COMMISSIONER
KAMRUP (M)
HENGRABARI
GUWAHATI-36

5:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE
NEAR DGP OFFICE
P.O-ULUBARI
P.S- PALTAN BAZAR
GUWAHATI-781007
ASSAM

6:THE OFFICER IN CHARGE
JAGIROAD P.S

P.O- JAGIROAD
DIST- MORIGAON
ASSAM
PIN-78241

Advocate for the Petitioner(s) : Mr. S. I. Akand, Advocate

Advocate for the Respondents(s) : Ms. N. Bordoloi, SC, Revenue Department

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 01.09.2023

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 wife of the deceased person is entitled in terms with the notification dated 15.11.2014.

2. The Petitioner herein claims to be the wife of one Gopal Mazumdar (since deceased). The brief facts of the instant case is that on 15.06.2019, while Late Gopal Mazumdar was proceeding from Guwahati to Samurguri by a public goods carriage vehicle bearing Registration No.AS-25-CC-7755 to deliver fruits at

Samuguri, at about 12:45 the said vehicle reached at Mokoria village District Morigaon and dashed in a parked Gas Tanker bearing Registration No.NL-01-AA-3347 as a result of which, the husband of the Petitioner sustained grievous injuries and died on the spot. To that effect, a case was registered vide Jagiroad P.S. Case No.776/2019 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 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. Ms. N. Bordoloi, 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 Ms. N. Bordoloi, the learned Standing counsel for the 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