

GAHC010193052023



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

Case No. : WP(C)/5051/2023

RAHILA KALITA
W/O -LATE GAJIN KALITA R/O- PACHIN KURUAH P.S- SIPAJHAR DIST-
DARRANG (ASSAM) PIN - 784145

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE (R AND R) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI - 6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT. DISPUR
GHY-6.

3:THE DEPUTY COMMISSIONER DARRANG
P.S - MANGALDAI
PIN- 784125

4:THE SUPERINTENDENT OF POLICE
DARRANG
P.O AND P.S - MANGALDAI
ASSAM PIN - 784125.

5:THE CIRCLE OFFICER
SADAR CIRCLE
P.O AND P.S- MANGALDAI DISTRICT- DARRANG
ASSAM

For the petitioner (s) : Ms. S. Devi, Advocate

For the respondent (s) : Ms. N. Bordoloi, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

01.09.2023

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 is entitled in terms with the notification dated 15.11.2014.

2. The brief facts of the instant case is that on 08.12.2020, at about 7:45 PM, while the husband of the Petitioner, namely, Gajin Kalita (since deceased) was returning home from Bezera as a pillion rider with the rider of the motor cycle bearing registration No.As-25R-3037 (Glamour), fell down from the said motor cycle at Uttar Lenga PWD Road due to rash and negligent driving by the rider of the said motor cycle and sustained grievous injuries in different parts of his body. Immediately after the accident, the husband of the petitioner was taken to Tolaram Bafona Hospital for treatment but he was declared dead by the doctor of the said hospital. Thereupon, the Petitioner had in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed a representation dated 12.06.2023 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 which the petitioner is entitled to in terms with the notification dated 15.11.2014.

3. Being aggrieved, for non consideration of the request made by the Petitioner, the Petitioner has approached this Court under Article 226 of the Constitution of India.

4. Ms. N. Bordoloi, learned Standing counsel, Revenue Department appearing on behalf of Respondent No.1 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, 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 this 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