

GAHC010198852021



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

Case No. : WP(C)/6941/2021

MR. SIDDHESWAR DEKA @ SIDESWAR DEKA AND ANR
S/O LT. NARESWAR DEKA, R/O VILL - BAMA, P.O. KARARA, P.S. BAIHATA
CHARIALI, DIST. KAMRUP (R), ASSAM, PIN - 781121.

2: MISS BARNALI DEKA
D/O SIDDHESWAR DEKA @ SIDESWAR DEKA
R/O VILL - BAMA
P.O. KARARA
P.S. BAIHATA CHARIALI
DIST. KAMRUP (R)
ASSAM
PIN - 781121

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI - 781006.

2:THE DEPUTY COMMISSIONER
KAMRUP (RURAL) AT AMINGAON
ASSAM
PIN - 781031.

3:THE CIRCLE OFFICER
KAMALPUR REVENUE CIRCLE
P.O. AND P.S. KAMALPUR
DIST. KAMRUP (R)
ASSAM
PIN - 781380.

4:THE OFFICER-IN-CHARGE
BAIHATA CHARIALI POLICE STATION
DIST. KAMRUP (R)
ASSAM
PIN - 781380

For the Petitioner(s) : Mr. S.I. Akand, Advocate
For the Respondent(s) : Mr. J. Handique, Govt. Advocate
Mr. R. Borpujari, SC, Revenue.

- B e f o r e -

HON'BLE MR. JUSTICE DEVASHIS BARUAH

11.09.2023

1. This is an application under Article 226 of the Constitution of India whereby the Petitioners being aggrieved for non-payment of the ex-gratia relief to which the Petitioners being family members of the deceased are entitled to in terms with the notification dated 15.11.2014 has filed the instant writ petition.

2. The brief facts of the case is that on 07.04.2019 at about 4:00 PM, the wife of the Petitioner No.1 and mother of the Petitioner No.2 namely Kamini Deka (since deceased) was a pillion rider of a Motor Cycle bearing Registration No. AS-14G-4368 and when they reached at Khudrapalha near Dr. Bolin Deka's Nursing Home, the said motor cycle rider pressed break of the motor cycle and as a result of which Kamini Deka fell down on the road and sustained grievous injuries on her head. Immediately she was taken to Bezara P.H.C and thereafter she was shifted to GNRC Hospital for better treatment. Unfortunately she succumbed to death during the course of treatment in GNRC Hospital on 09.04.2019. Thereupon the Petitioner No.1 in terms with the notification dated 15.11.2014 filed a representation dated 22.07.2021 to the Respondent No.2 praying for ex-gratia payment of an amount of Rs.2,00,000/-. But the Respondent No.2 did not take any action for the payment to which the petitioners are entitled to in terms with the notification dated 15.11.2014.

3. Being aggrieved, for non consideration of the request made by the Petitioners, the Petitioners have approached this Court under Article 226 of the

Constitution of India.

4. Mr. R. Borpujari, learned Standing counsel, 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 Petitioners 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 off with a direction to the Respondent No.2 to consider the prayer of the Petitioners as regards the entitlement in terms with the notification dated 15.11.2014 and after due verification as regards the Petitioners' entitlement if it is found that the Petitioners are entitled, the said ex-gratia payment of Rs.2,00,000/- may be released to the Petitioners.

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

J U D G E

Comparing Assistant