

GAHC010213712022



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

Case No. : WP(C)/6777/2022

SHASHIPRABHA DEKA MANDAL @ SHASHIPRABHA DEKA @
SHASHIPRABHA MANDAL AND 4 ORS
W/O- LT. HEMANTA MANDAL @ HEMANTA NATH MANDAL, PERMANENT
R/O- VILL- BURABURI, JHARGAON, P.O. BURABURI, P.S. MAYONG DIST.-
MARIGAON, ASSAM, PIN- 782105 AND PRESENTLY RESIDING AT C/O SRI
HARESWAR DEKA, VILL- TETELIA, DIMORIA, NEAR TETELIA L.P.
SCHOOL, P.O. GANDHI NAGAR, P.S. SONAPUR, DIST.- KAMRUP (M),
ASSAM, PIN- 782401

2: SHIBA MANDAL
S/O- LT. HEMANTA MANDAL @ HEMANTA NATH MANDAL
PERMANENT R/O- VILL- BURABURI
JHARGAON
P.O. BURABURI
P.S. MAYONG DIST.- MARIGAON
ASSAM
PIN- 782105 AND PRESENTLY RESIDING AT C/O SRI HARESWAR DEKA
VILL- TETELIA
DIMORIA
NEAR TETELIA L.P. SCHOOL
P.O. GANDHI NAGAR
P.S. SONAPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 782401 (BEING MINOR REP. BY THE PETITIONER NO. 1 AS NATURAL
GUARDIAN)

3: NABAJIT MANDAL
S/O- LT. HEMANTA MANDAL @ HEMANTA NATH MANDAL
PERMANENT R/O- VILL- BURABURI
JHARGAON
P.O. BURABURI
P.S. MAYONG DIST.- MARIGAON
ASSAM

PIN- 782105 AND PRESENTLY RESIDING AT C/O SRI HARESWAR DEKA
VILL- TETELIA
DIMORIA
NEAR TETELIA L.P. SCHOOL
P.O. GANDHI NAGAR
P.S. SONAPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 782401 (BEING MINOR REP. BY THE PETITIONER NO. 1 AS NATURAL
GUARDIAN)

4: RABINDRA NATH MANDAL
S/O- LT. BALAKANATH MANDAL
PERMANENT R/O- VILL- BURABURI
JHARGAON
P.O. BURABURI
P.S. MAYONG DIST.- MARIGAON
ASSAM
PIN- 782105 AND PRESENTLY RESIDING AT C/O SRI HARESWAR DEKA
VILL- TETELIA
DIMORIA
NEAR TETELIA L.P. SCHOOL
P.O. GANDHI NAGAR
P.S. SONAPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 782401

5: RANGMALA MANDAL
W/O- SRI RABINDRA NATH MANDAL
PERMANENT R/O- VILL- BURABURI
JHARGAON
P.O. BURABURI
P.S. MAYONG DIST.- MARIGAON
ASSAM
PIN- 782105 AND PRESENTLY RESIDING AT C/O SRI HARESWAR DEKA
VILL- TETELIA
DIMORIA
NEAR TETELIA L.P. SCHOOL
P.O. GANDHI NAGAR
P.S. SONAPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 78240

VERSUS

THE STATE OF ASSAM AND 4 ORS

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HOME AND
POLITICAL DEPTT., DISPUR, GHY-06

2:THE ASSAM STATE LEGAL SERVICES AUTHORITY
REP. BY ITS MEMBER/SECY.
GAUHATI HIGH COURT CAMPUS
P.S. LATASIL
GHY
DIST.- KAMRUP (M)
ASSAM
PIN- 781001

3:THE CHAIRMAN
DISTRICT LEGAL SERVICES AUTHORITY
KAMRUP (M) AT GUWAHATI
P.O. AND P.S. PANBAZAR
DIST.- KAMRUP (M)
ASSAM
PIN- 781001

4:THE DISTRICT LEGAL SERVICES AUTHORITY
KAMRUP (M) AT GUWAHATI
REP. BY ITS MEMBER/SECRETARY
P.O. AND P.S. PANBAZAR
DIST.- KAMRUP (M)
ASSAM
PIN- 781001

5:THE OFFICER-IN-CHARGE
SONAPUR P.S.
P.O. SONAPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 78240

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 29-11-2023

Heard Mr. S.I. Akand, learned counsel for the petitioners; Ms. M. Barman, learned
Junior Government Advocate, Assam for the respondent nos. 1, 3, 4 & 5; and Ms. R.S.

Choudhury, learned Standing Counsel, Assam State Legal Services Authority [ASLSA], Assam for the respondent no. 2.

2. The petitioners, 5 [five] in nos., have joined together to institute the writ petition on the premise that they were the wife/minor sons/parents of one Hemanta Mandal [since deceased]. It is the case of the petitioner that Late Hemanta Mandal was a victim of alleged murder as he died of injuries sustained in an incident of alleged attack on 26.08.2021. In connection with the alleged murder of Late Hemanta Mandal, a crime case, Sonapur Police Station Case no. 574/2021 has already been registered for the offence under Section 302, Indian Penal Code [IPC] on 26.08.2021. It is stated at the Bar that the investigation of Sonapur Police Station Case no. 574/2021 is still in progress. The petitioners have stated that pursuant to the alleged murder of Late Hemanta Mandal, the petitioners, through the petitioner no. 1, have submitted an application seeking compensation under the Assam Victim Compensation Scheme, 2012, as amended, before the Assam State Legal Services Committee as well as before the District Legal Services Authority, Kamrup [Metro]. With a grievance that the application filed by the petitioners before the District Legal Services Authority, Kamrup [M] was not considered in a manner as it was expected, the petitioners have preferred the instant writ petition seeking *inter alia* a direction to the respondent authorities to grant due compensation to the petitioners under the provisions of the Assam Victim Compensation Scheme, 2012 read with the Notification dated 01.02.2019, whereby, the Schedule to the Assam Victim Compensation Scheme, 2012 has been amended.

3. Ms. Choudhury, learned Standing Counsel, ASLSA has submitted, on instruction, that after receipt of the application from the petitioners, the said application has been duly registered and numbered as Victim Compensation [V.C.] Case no. 31/2022 by the respondent no. 4. After such registration, notices were duly issued to the applicants i.e. the petitioners herein for their appearance seeking their participation in the proceedings. It has been submitted that as on date, the enquiry proceedings initiated by the respondent no. 4 is in progress. Ms. Choudhury has further submitted that the next date of the enquiry proceeding of Victim Compensation [V.C.] Case no. 31/2022 has been fixed on 19.12.2023 for the appearance of the applicants' side i.e. the petitioners' side.

4. As the enquiry proceedings in respect of Victim Compensation [V.C.] Case no. 31/2022 is in progress and the next date of the said enquiry proceeding is fixed on 19.12.2022 for appearance of the applicants i.e. the petitioners, this Court is of the considered view that the instant writ proceeding would amount to a parallel proceeding. The grievances of the petitioners could be effectively redressed in the enquiry proceedings of Victim Compensation [V.C.] Case no. 31/2022, which is presently pending before the respondent no. 4. Thus, instead of keeping this writ petition pending wherein the petitioners have sought for a direction to the respondent authorities to grant compensation under the provisions of the Assam Victim Compensation Scheme, 2012 read with the Notification dated 01.02.2019, the petitioners should pursue the enquiry proceedings of Victim Compensation [V.C.] Case no. 31/2022 before the respondent no. 4 by their participation so that the said enquiry proceedings can be brought to its logical conclusion in an expeditious manner. In such view of the matter, this writ petition is closed, with the observation that the petitioners shall appear before the respondent no. 4 on 19.12.2023 in connection with Victim Compensation [V.C.] Case no. 31/2022 on 19.12.2023 and all other dates, as fixed by the respondent no. 4 and shall render their assistance and cooperation so as to enable the respondent no. 4 to bring the enquiry proceedings of Victim Compensation [V.C.] Case no. 31/2022 to its logical conclusion at an early date, preferably within a period of 3 [three] months.

5. This order disposes of the writ petition.

JUDGE

Comparing Assistant