

GAHC010230842022



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

**Case No. : WP(C)/7791/2022**

JANAM BEGUM  
W/O- LT. HAIDAR HUSSAIN, C/O- DR. CHANGSAN, R/O- HAFLONG NEAR  
RADIO STATION, P.O. HAFLONG, DIST.- DIMA HASAO, ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS  
REP. BY THE JOINT SECY., INTERNAL DIVISION II, GOVT. OF INDIA,  
MINISTRY OF HOME AFFAIRS, NEW DELHI- 01

2:THE STATE OF ASSAM  
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPTT.  
DISPUR  
GHY-06

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
FINANCE DEPTT.  
DISPUR  
GHY-06

4:THE DY. COMMISSIONER AND CHAIRMAN  
DISTRICT LEVEL COMMITTEE  
DIMA HASAO  
HAFLON

**Advocate for the Petitioner : MR. J LASKAR**

**Advocate for the Respondent : DY.S.G.I.**

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

21.07.2023

The petitioner herein is aggrieved by the inaction on the part of the respondent authorities in not making payment of ex-gratia amount which has already been sanctioned by the Deputy Commissioner, Dima Hasao as could be seen from the Annexure-C to the writ petition.

2. The case of the petitioner herein is that the petitioner's husband went missing since 10.09.2011 for which the petitioner had lodged a complaint before the Haflong Police Station which was registered and numbered as Haflong P.S. Case No.78/2011 under Sections 365/379 of the IPC. During the course of investigation, it was found that the husband of the petitioner was kidnapped and killed by some unknown extremists and his vehicle was snatched away. The dead body of the husband of the petitioner was recovered by the Nagaland Police on 13.09.2011 from the Dhansiri Par near Sericulture Farm. Upon the death of the husband of the petitioner, the case was registered under Sections 302/201 of the IPC.

3. The petitioner, thereupon, applied for being provided the compensation to the victim of terrorist/communal and naxal violence in terms with the Central Scheme for assistance of civilian victims of terrorist/communal and naxal violence.

4. The entitlement in terms with the said scheme was Rs.3,00,000/-. Upon the petitioner applying for the same in the year 2012, the respondent No.4, i.e. the Deputy Commissioner, Dima Hasao issued

sanction order for grant of ex-gratia under the said scheme of an amount of Rs.3,00,000/-. However, the said amount has not been paid for which the petitioner has approached this Court.

5. This Court had issued notice on 02.12.2022. On 07.06.2023, when the matter was listed before this Court, the counsel appearing on behalf of the Deputy Commissioner, Dima Hasao had duly admitted to the fact that there was a sanction given by the Deputy Commissioner, Dima Hasao of an amount of Rs.3,00,000/- to be paid to the petitioner. However, it is on account of non-disbursal of the said amount by the Ministry of Home Affairs, Government of India, the same amount could not be released to the petitioner.

6. This Court, thereupon, had directed the petitioner to bring on record the scheme for which the petitioner had filed an additional affidavit whereby the Central Scheme for assistance of civilian victims of terrorist/communal and naxal violence of the Central Government was enclosed. It transpires from a conjoint reading of Clauses 7 & 8 that the District Collector/District Magistrate/the Deputy Commissioner shall first make the payment to the beneficiaries, and thereupon, the State Government shall submit the proposal to the Ministry of Home Affairs for reimbursement in the prescribed format.

7. Taking into account the above, this Court, therefore, is of the opinion that the interest of justice would be met if a direction is given to the Deputy Commissioner, Dima Hasao to pay the amount of Rs.3,00,000/- so sanctioned in favour of the petitioner within the time-frame.

8. In that view of the matter, the instant writ petition stands disposed

of thereby directing the Deputy Commissioner, Dima Hasao to pay the amount of Rs.3,00,000/- to the petitioner within a period of 2 (two) months from the date a certified copy of the instant order is served upon the Deputy Commissioner, Dima Hasao.

9. With the above observation and direction, the instant writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**