GAHC010230842022

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

Case No.: WP(C)/7795/2022

SOMULA BEGUM LASKAR
W/O- LT. ALKASH ALI LASKAR
R/O- VILL- BORKHOLA PART-I
P.O. BORKHOLA
DIST.- CACHAR
ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REP. BY THE JOINT SECRETARY
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
HAFLONG

Advocate for : MR. J LASKAR
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 3 ORS

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 26.07.2009 for which the petitioner had lodged a complaint before the Dehangi Police Station which was registered and numbered as Dehangi P.S. Case No.6/2009 under Sections 120(B)/364(A)/365/34 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 snatched away a considerable amount that was with the victim at that time. During investigation police recovered two bones of human leg, one human dagger bone and one umbrella having its cloth torn and some pieces of mosquito net. 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. From the sanction order, Annexure-C, it appears that the Deputy Commissioner, Dima Hasao had duly sanctioned an amount of Rs.3,00,000/- to be paid to the petitioner.

6. During the course of hearing, the learned counsel for the petitioner produced the Central Scheme for Assistance of Civilian Victims of Terrorist/Communal and Naxal Violence of the Central Government. 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