

GAHC010252002014



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

Case No. : WP(C)/2273/2014

SALEMA BEGUM
W/O LT. MD. AZIZUR RAHMAN, R/O PUB JARUNI, P.O. KOROIGURI and P.S.
MURAJHAR, DIST- NAGAON

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVT. OF
ASSAM, ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT, DISPUR,
GHY-6

2:THE DIRECTOR OF ANIMAL HUSBANDRY AND VETERINARY
ASSAM
CHENIKUTHI
GHY-3

3:THE REGIONAL OFFICE
ANIMAL HUSBANDRY AND VETERINARY
NAGAON

4:THE OFFICER IN CHARGE
VETERINARY HOSPITAL
PUB-JARUNI SUB CENTRE
DOBOKA
NAGAON
ASSA

Advocate for the Petitioner : MR.G UDDIN

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 26-09-2023

Heard Mr. A.K. Azad, learned counsel for the writ petitioner. Also heard Mr. J. Handique, learned Addl. Sr. Govt. Advocate, Assam who is present on behalf of the official respondents. None has appeared for the Animal Husbandry and Veterinary Department, Assam.

2. The writ petitioner herein is the mother of the deceased Md. Subur Uddin who had died on 03-02-2012 allegedly having suffered shock and hemorrhage due to the injury received by him on account of collapse of a concrete wall of the Veterinary Hospital of Pub-Jaruni Sub-Centre, Doboka in the district of Nagaon, upon the victim. At the time of his death, the deceased was aged about 20 years and he was working as a professional driver.

3. After the death of Subur Uddin an FIR was registered with the Murajhar Police Station on 03-02-2021. Based on the FIR dated 03-02-2012, Murajhar P.S. U/D Case No. 02/2012 was registered and the matter was taken up for investigation. However, upon conclusion of the investigation, Final Report was submitted on 02-02-2014. The Final Report clearly mentions that the victim had died due to fall of a wall upon him.

4. It appears that the petitioner's husband had earlier submitted an undated representation before the Director of Veterinary Department at Nagaon, Assam enclosing copies of the postmortem report, driving license, school certificate and other relevant

documents pertaining to the deceased person, seeking compensation for an amount of Rs. 15,00,000/- for the death of his son. But no action has been taken on the said representation. Hence, this writ petition.

5. Mr. Azad, learned counsel for the writ petitioner, submits that the death of the petitioner's son had occurred purely on account of negligence on the part of the officials of the Veterinary Department and therefore, they are liable to pay compensation for causing untimely death of the petitioner's son, who was a earning member of the family.

6. Mr. Handique, learned Addl. Sr. Govt. Advocate, Assam, on the other hand, submits that the learned standing counsel, Veterinary Department, who is handling the brief, is not available today.

7. Be that as it may, this matter pertains to the year 2014 and the incident had occurred in the month of February, 2012. As such, this is a old pending matter. I also find from the materials on record that the representation annexed as Annexure-6 does not contain any date. Moreover, full particulars justifying the claim for award of compensation is also not discernable from the representation (Annexure-6). As such, adjudication of the claim of the petitioner in this writ petition, based on the materials available on record, would not be possible. However, since it is the admitted position of fact that the son of the petitioner had died due to collapse of the concrete wall upon him, belonging to the Veterinary Department, leading to loss of life of her son, the claim of the petitioner for payment of compensation cannot be brushed aside by this Court, particularly on account of the fact that the issue raised by the writ petitioner would have an element of violation of Article 21 of the Constitution of India.

8. Situated thus and having regard to the peculiar facts and circumstances of the case as well as the long lapse of time since the last representation was submitted, I dispose of this writ petition by granting 04 weeks time to the petitioner to file a detail representation before the Secretary to the Govt. of Assam, Animal Husbandry and Veterinary Department, ventilating her grievance in the matter.

If such a representation is submitted by the petitioner within the time specified by this Court, then the same be considered on merit and after proper enquiry, the representation of the petitioner be disposed of by a speaking order within a further period of 06 months.

With the above observation, this writ petition stands disposed of.

JUDGE

GS

Comparing Assistant