

GAHC010278462023



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

Case No. : WP(C)/7286/2023

MINATI KHARIA
W/O- LATE PAWAN KHARIA,
R/O- VILL.- KANDULIMARI,
P.O.- JOGIJAN BAZAR,
P.S.- HOJAI, DIST.- NAGAON,
ASSAM, PIN- 782429.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
(RELIEF AND REHABILITATION BRANCH),
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DISTRICT COMMISSIONER OF NAGAON DISTRICT
ASSAM
P.O.- HAIBARGAON

P.S.- NAGAON

PIN- 782001.

4:THE CIRCLE OFFICER
HOJAI REVENUE CIRCLE

P.O. AND P.S.- HOJAI

DIST.- NAGAON
ASSAM

PIN- 782435.

5:THE OFFICER-IN-CHARGE
HOJAI POLICE STATION
DIST.- HOJAI
ASSAM

PIN- 782435

For the Petitioner(s) : Mr. S. I. Akand, Advocate

For the Respondent(s) : Ms. U. Das, Addl. Sr. Govt. Advocate
Ms. P. R. Mahanta, SC, Revenue

- B E F O R E -

HON'BLE MR. JUSTICE DEVASHIS BARUAH

18.12.2023

This is an application filed under Article 226 of the Constitution of India whereby the petitioners are aggrieved for non-payment of the ex-gratia relief to which the petitioners are entitled in terms with the notification dated 15.11.2014.

2. The brief facts of the instant case are that on 01.10.2022, while the husband of the petitioner, namely, Pawan Kharia was proceeding from his residence towards Hojai Town by ridding a Scooty bearing Regd. No. AS-31-A-6676, suddenly a Motorcycle bearing Regd. AS-02-Z-2749, proceeding from the same direction which was ridden in a rash and negligent manner, hit the husband of the petitioner from his backside as a result of which he sustained

grievous injuries in his person. Immediately after the accident, the husband of the petitioner was taken to the nearest Jogijan Model Hospital and thereafter shifted to District Civil Hospital, Hojai. Subsequently he was referred to G.M.C.H., Guwahati for better treatment. But on 03.10.2022, he had expired therein during the course of treatment. Thereupon, the petitioner in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed a representation dated 15.07.2022 to the Respondent No.3 praying for ex-gratia payment of an amount of Rs.2,00,000/-. But the Respondent No.3 did not take any action for the payment to which the petitioner is entitled to in terms with the notification dated 15.11.2014.

3. Being aggrieved, for non consideration of the request made by the petitioner, the petitioner has approached this Court under Article 226 of the Constitution of India.

4. Ms. P. R. Mahanta, learned Standing Counsel, Revenue Department appearing on behalf of Respondent No.1 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 petitioner on the basis of the notification dated 15.11.2014 and also the submission of Ms. P. R. Mahanta, 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 of with a direction to the Respondent No.1 to consider the prayer of the petitioner as regards the entitlement in terms with the notification dated 15.11.2014 and after due verification as regards the petitioner's entitlement if it is found that the petitioner is 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 6 (six) 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. The petitioner is further directed to submit the Next of Kin Certificate to the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department along with the certified copy of this order.

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

J U D G E

Comparing Assistant