

GAHC010279522023



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

**Case No. : WP(C)/7379/2023**

MISS HASINA BEGUM AND 2 ORS  
W/O LATE HANNAN ALI, R/O VILL-CHENGHA MUSALMAN GAON, P.O.-  
CHENGHA, P.S.-TARABARI, DIST-BARPETA, ASSAM, PIN-781305

2: HINA BEGUM  
D/O LATE HANNAN ALI  
R/O VILL-CHENGHA MUSALMAN GAON  
P.O.-CHENGHA  
P.S.-TARABARI  
DIST-BARPETA  
ASSAM  
PIN-781305 (BEING MINOR REPRESENTED BY THE PETITIONER NO. 1)

3: LINA BEGUM  
D/O LATE HANNAN ALI  
R/O VILL-CHENGHA MUSALMAN GAON  
P.O.-CHENGHA  
P.S.-TARABARI  
DIST-BARPETA  
ASSAM  
PIN-781305 (BEING MINOR REPRESENTED BY THE PETITIONER NO. 1)

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 BARPETA DISTRICT  
ASSAM  
P.O. AND P.S.-BARPETA  
PIN-781314

4:THE CIRCLE OFFICER  
CHENGA REVENUE CIRCLE  
DIST-BARPETA  
ASSAM  
PIN-781305

5:THE OFFICER-IN-CHARGE OF BARPETA POLICE STATION  
P.O.-BARPETA  
DIST-BARPETA  
ASSAM  
PIN-78130

**For the Petitioner(s) : Mr. R. Deka, Advocate**

For the Respondent(s) : Ms. M. Barman, Govt. Advocate  
Ms. P. R. Mahanta, SC, Revenue

**- B E F O R E -**

**HON'BLE MR. JUSTICE DEVASHIS BARUAH**

**20.12.2023**

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 the petitioner No. 1 is the wife and the petitioner Nos. 2 & 3 are the minor daughters of the deceased. On 25-01-2021, at about 8:35 A.M. while the husband/father of the Petitioners namely Late Hannan Ali (since

Deceased) was proceeding towards Barpeta Town through Chenga Barpeta P.W.D. Road in a Tempo bearing Regd. No. AS-14-C-9828 and when he reached near Keutkuchi Jalapura Bridge, suddenly an offending vehicle bearing Regd. No. AS-15-C-4109 (207 DI) proceeding from the opposite direction hit against the said Tempo, as a result of which the husband of the petitioner No.1 sustained grievous injuries in person. Immediately after the accident, the husband of the petitioner No.1 was taken to the nearest FAAM Civil Hospital, Barpeta and subsequently he was admitted at GNRC Hospital, North Guwahati. But, on 15-02-2021, he had expired therein during the course of treatment. Thereupon, the petitioner No.1 in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed a representation dated 01.06.2023 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 petitioners are 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 petitioners are 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 No.1 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**