

GAHC010003592024



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

Case No. : WP(C)/88/2024

RUKMINI DAS @ RUKMINI TALUKDAR AND ANR
W/O- LATE NAKUL DAS, RESIDENT OF VILL- BARAKHAT (BARUWARI),
SONAPUR, P.O. AND P.S. SONAPUR, DIST.- KAMRUP (METRO), ASSAM, PIN-
782402

2: TAPAN DAS
S/O- LATE NAKUL DAS
RESIDENT OF VILL- BARAKHAT (BARUWARI)
SONAPUR
P.O. AND P.S. SONAPUR
DIST.- KAMRUP (METRO)
ASSAM
PIN- 78240

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE (RELIEF AND REHABILITATION)
AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-
781006

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

3:THE DISTRICT COMMISSIONER OF LAKHIMPUR DISTRICT
ASSAM
NORTH LAKHIMPUR
PIN- 787001

4:THE DISTRICT COMMISSIONER OF KAMRUP (METRO) DISTRICT

AT GUWAHATI
HENGRABARI
LECHUBAGAN
KAMRUP (METRO)
ASSAM
PIN- 781036

5:THE CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
P.O. AND P.S. SONAPUR
DIST.- KAMRUP (METRO)
ASSAM
PIN- 782402

6:THE OFFICER-IN-CHARGE
BOGINADI POLICE STATION
P.O. BOGINADI
DIST- LAKHIMPUR
ASSAM
PIN- 78703

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : GA, ASSAM

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

ORDER

10.01.2024.

1. This is an application filed under Article 226 of the Constitution of India whereby the Petitioner is aggrieved for non-payment of the ex-gratia relief to which the Petitioner No.1 being the mother and Petitioner No.2 being the elder brother of the deceased are entitled in terms with the notification dated 15.11.2014.

2. The brief facts of the instant case is that on 25.07.2020 at about 5.50 PM when the son/brother of the Petitioners namely Rinku Das (since deceased) got down from a Night Super Bus at Thekeraguri Centre and proceeding on foot towards a Hotel, at that moment a Swift Dzire vehicle bearing Registration No.AS-01-BR-3878, knocked him from backside at Charling, NH No.15, causing grievous injuries. He was taken to the Boginadi Civil Hospital, where he was declared dead. Thereupon, the Petitioners had in terms with the notification dated 15.11.2014, filed a representation dated 25.04.2023 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 Petitioners, the Petitioners have 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.5 submits that in similar matters this Court had issued directions for making payment after due verification.

5. Taking into consideration the specific stand taken by the Petitioners on the basis of the notification dated 15.11.2014 and also the submission of Ms. 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.3 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 Petitioners' 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 4 (four) months from the date a certified copy of this order is served upon the Commissioner & Secretary, to the Government of Assam, Revenue (Relief & Rehabilitation) and Disaster Management Department.

7. The Petitioners are further directed to submit the Next of Kin Certificate to the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department along with the certified copy of this order.

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

JUDGE

Comparing Assistant