

GAHC010028292018



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

Case No. : WP(C)/903/2018

MOSTAB ALI @ MOSTAB ALI SHEIKH AND 3 ORS
S/O. LT. RUSTOM ALI, VILL. GUTIPARA PART-III, P.O. GUTIPARA, P.S.
BILASIPARA, DIST. DHUBRI, ASSAM

2: HASHEM ALI
S/O. LT. RUSTOM ALI
VILL. GUTIPARA PART-III
P.O. GUTIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

3: SUMAR ALI
S/O. MOSTAB ALI SHEIKH
VILL. GUTIPARA PART-III
P.O. GUTIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

4: SAHAR ALI

S/O. MOSTAB ALI SHEIKH
VILL. GUTIPARA PART-III
P.O. GUTIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSA

VERSUS

UNION OF INDIA AND 6 ORS
MINISTRY OF HOME AFFAIRS (DISASTER MANAGEMENT DIVISION) REP.
BY ITS SECRETARY, 'C' WING 3RD FLOOR, NDCC, JAI SINGH ROAD, NEW

DELHI

2:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GHY.

3:THE COMMISSIONER AND SECY.

TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
(GENERAL) DISPUR
GHY.

4:THE COMMISSIONER AND SECY.

TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY.

5:THE DY. COMMISSIONER

DHUBRI
ASSAM
DIST. DHUBRI
ASSAM

6:THE SUB-DIVISIONAL OFFICER

BILASIPARA
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM

7:THE CIRCLE OFFICER

ATHANI REVENUE CIRCLE
ATHANI
P.O. BAGRIBARI
P.S. GAURIPUR
DIST. DHUBRI
ASSA

For the Petitioner(s) : Mr. M. Hussain, Advocate

For the Respondent(s) : Mr. D. Nath, Sr. GA

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 15.02.2024

1. The instant writ petition has been filed by the Petitioners being aggrieved by the inaction on the part of the Respondent Authorities to release/provide rehabilitation grant/compensation/financial assistance to the Petitioners in terms with the notifications/letters dated 27.07.2011, 08.04.2015 and 02.05.2015.
2. The ground on which the Petitioners have sought for the financial assistance or the ex-gratia grant is on account of fire in the CI sheet houses of the Petitioners due to an electric incident. The Petitioners claim on the basis of a police report dated 01.05.2015 wherein it has been mentioned that due to an accident, fire was set from the kitchen room and then the house of one Mostab Ali as well as the houses of others were gutted.
3. The Respondents have filed their affidavit wherein they categorically denied that there was any report being forwarded by the Fire and Emergency Services Station, Bilasipara as required for the purpose of the consideration of the said application. Further to that, it was also stated that the applications were incomplete for the following reasons:
 - (i) Non-submission of clear fire and emergency service report and
 - (ii) Non-submission of photographic evidence at all.
4. From the materials on record, it therefore transpires that the facts alleged by the Petitioners have been seriously disputed by the Respondent Authorities. The question therefore arises as to whether this Court under such circumstances can issue a writ directing the Respondent Authorities to disburse

the amount of entitlement as sought for by the Petitioners. This Court has also taken note of that the said applications filed by the Petitioners are pending before the concerned Respondent Authorities and various deficiencies have been pointed out in the affidavit-in-opposition.

5. Taking into account that the said Respondent Authorities would be in a better position to decide the entitlement, this Court therefore disposes of the instant writ petition granting the liberty to the Petitioners to approach the Respondent Authorities by providing the necessary documents by removing the deficiency in their applications in addition to the documents which were duly placed earlier and thereupon the Respondent Authorities shall decide on the entitlement of the Petitioners by passing a Speaking Order.

6. The said exercise be completed within a period of 4 (four) months from the date of submission of the certified copy of the instant order to the Respondent No.5 i.e. District Commissioner, Dhubri along with other documents removing the deficiencies as set out in the affidavit-in-opposition.

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

JUDGE

Comparing Assistant