

GAHC010031482024



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

Case No. : WP(C)/1038/2024

JONMANI BEGUM
W/O- LATE NURZAMAL ALI @BABUL HOQUE,
VILLAGE- SARU THEKERABARI,
P.O- RANGAMATI,
P.S- MANGALDAI, DIST- DARRANG, ASSAM, PIN-784145

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT (RELIEF AND
REHABILITATION) DEPTT.
DISPUR, GUWAHATI- 781006.

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

3:THE DISTRICT COMMISSIONER

KAMRUP(R)

P.O AND P.S- AMINGAON

DIST- KAMRUP(R)
ASSAM
PIN-781031

4:THE SUPERINTERNDENT OF POLICE
KAMRUP(R)

P.O AND P.S- AMINGAON

DIST- KAMRUP(R)
ASSAM
PIN-781031

5:THE OFFICER IN CHARGE
BAIHATA CHARIALI
KAMRUP(R)

P.O AND P.S- BAIHATA CHARIALIA
DIST- KAMRUP(R)
ASSAM
PIN-781380

6:THE DISTRICT COMMISSIONER
DARRANG

P.O AND P.S-MANGALDAI

DIST- DARRANG
ASSAM
PIN-784125

7:THE CIRCLE OFFICER
MANGALDAI REVENUE CIRCLE

P.O AND P.S-MANGALDAI

DIST- DARRANG
ASSAM
PIN-78412

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

For the Respondent(s) : Mr. D. Nath, Sr. Government Advocate
: Mr. A. Bhattacharjee, SC, Revenue

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 24.07.2024

Heard Mr. M. Hussain, the learned counsel appearing on behalf of the Petitioner and Mr. A. Bhattacharjee, the learned Standing counsel appearing on behalf of the Respondent No.1. I have also heard Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the Respondent Nos. 3, 4, 5, 6 and 7. None appears for the Finance Department on call.

2. The Petitioner herein is aggrieved on account of the non-payment of the compensation in terms with the notification dated 15.11.2014 to which the Petitioner claims to be entitled to on account of her husband being killed by miscreants. This Court has duly taken note of the documents on record including the final report which have been submitted by the Investigating Officer in connection with Baihata Chariali P.S. Case No.57/2021.

3. From a perusal of the final report, it is not seen that there is any opinion rendered by the Investigating Officer that the death of the husband of the Petitioner had occurred on being killed by some extremists/terrorists/miscreants or for that matter, the husband of the Petitioner was killed on account of communal violence/ethnic violence/group clashes or due to firing of the security forces. Under such circumstances, in the opinion of this Court the notification dated 15.11.2014 cannot be made applicable to grant the Petitioner any relief.

4. Be that as it may, the final report reveals that the dead body of the

husband of the Petitioner was found and in that regard, a case has been registered under Section 302 of the Indian Penal Code. Under such circumstances, though the Petitioner may not be entitled to the benefit in terms with the notification dated 15.11.2014, but in the opinion of this Court, as a crime has been committed, the Petitioner would be entitled to compensation in terms with Assam Victim Compensation Scheme, 2012.

5. Under such circumstances, the Petitioner would be well advised to apply before the Secretary of the District Legal Services Authority, Darrang, Mangaldai who shall duly take into consideration the said application in terms with the Assam Victim Compensation Scheme, 2012 read with the notification dated 01.02.2019. It is observed that if the Petitioner duly applies in terms with the said Scheme, the District Legal Services Authority, Darrang, Mangaldai as well as the Assam State Legal Services Authority are both directed to take due consideration of the same and pass appropriate orders so that the Petitioner can get the relief in terms with the said Scheme. This Court grants the liberty to the Petitioner to approach this Court in the circumstance that within a reasonable time the Petitioner is not granted the benefit in terms with the said Scheme.

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

JUDGE

Comparing Assistant