

GAHC010039712024



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

Case No. : WP(C)/1205/2024

DIGANTA BORA
S/O- LATE KINARAM BORA,
R/O- VILLAGE GHAHI BHATIKURI, P.O- GHAHI BHATIKURI,
P.S- RAHA, DIST- NAGAON, ASSAM

VERSUS

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

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

3:THE DEPUTY COMMISSIONER
P.O-NAGAON
P.S AND - NAGAON
ASSAM
PIN-782001

4:THE SUPERINTENDENT OF POLICE
P.O-NAGAON
P.S AND DIST - NAGAON
ASSAM
PIN-782001

5:THE CIRCLE OFFICER

P.O-RAHA BHATIKURI
P.S- RAHA

DIST- NAGAON
ASSAM
PIN-78210

Advocate for the Petitioner : MR. B CHETRI

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : 04-03-2024

Heard Mr. B. Chetri, learned counsel for the petitioner, Ms. S. Sharma, learned Government Advocate for the respondent No. 3, 4 & 5, Ms. N. Bordolio, learned Standing counsel, Revenue & Disaster Management department for the respondent No. 1 and Mr. B. Gogoi, learned Standing counsel, Finance department for the respondent No. 2.

The present writ petition is disposed at the motion stage as proposed by the learned counsel for the parties.

The fact of the case in brief is that the petitioner's father namely, Kinaram Bora was knocked down by a motorcycle in front of his house on 21/09/2019 at about 7:00 P.M. As a result of which the petitioner's father sustained grievous head injury. The petitioner's father was immediately rushed to the Government Hospital Nagaon, however, considering the seriousness of the injury, the petitioner's father was taken to the GNRC, Guwahati and admitted for treatment. However, the petitioner's father succumbed to the injuries on 22/09/2019. In connection with the accident, the petitioner has lodged the FIR dated 27/06/2023 to the I/C Raha Police Station and the Raha P.S Case No. 257/2019 u/s 279/304(A) IPC has been registered by the Police.

Mr. B. Chetri, learned counsel for the petitioner submits that the petitioner's father had died out of motor vehicle accident in public place, the petitioner, who is the son of the

deceased, is therefore entitled to receive ex-gratia of Rs. 2,00,000/- (Rupees two lakh) only in terms of the notification dated 15/11/2014 issued by the Government of Assam, Revenue & Disaster Management department Relief & Rehabilitation Branch. The petitioner has submitted the application dated 30/10/2023 to the Deputy Commissioner, Nagaon/respondent No.3, seeking for financial assistance/ex-gratia payment of Rs. 2,00,000/- as per the notification dated 15/11/2014. However, the application submitted by the petitioner on 30/10/2023 has not evoke any positive response thereby depriving the petitioner to receive ex-gratia of Rs. Rs. 2,00,000/- in terms of the notification dated 15/11/2014.

Mr. B. Chetri, learned counsel for the petitioner submits that the writ petition can be disposed with a direction to the State respondents more particularly to the Deputy Commissioner, Nagaon to dispose the application dated 30/10/2023 submitted by the petitioner and to consider ex-gratia payment of Rs. 2,00,000/- to the petitioner in terms of the notification dated 15/11/2014.

Ms. S. Sharma, learned Government Advocate submits that she has no objection to the submission made by the learned counsel for the petitioner to direct the Deputy Commissioner to dispose the representation dated 30/10/2023 and to consider the payment of ex-gratia to the petitioner in terms of the notification dated 15/11/2014, provided the payment is made only in terms of the said notification and only after a proper verification.

In view of the submissions made by the learned counsel for the parties, this writ petition is disposed of, with a direction to the Deputy Commissioner, Nagaon/the respondent No. 3, to dispose the application dated 30/10/2023 submitted by the petitioner and thereafter, to make the ex-gratia payment of Rs. 2,00,000/- to the petitioner strictly in accordance with the notification dated 15/11/2014 and only after conducting a proper verification. All the exercises for complying with the directions passed by this Court shall be completed within a period of 60(sixty) days from the date of passing of this order.

Writ petition disposed.

JUDGE

Comparing Assistant