

GAHC010076312021



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

Case No. : WP(C)/3853/2021

RABIUL RAHMAN
S/O FULABAKSA SHEIKH, R/O VILL. KHEKAPARA, P.O. AMBARI, P.S.
DHUPDHARA, DIST. GOALPARA, ASSAM, PIN 783123

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, REVENUE AND DISASTER MANAGMENT DEPTT. (RELIF AND
REHABILITATION), DISPUR, GUWAHATI 781006

2:THE DEPUTY COMMISSIONER

KAMRUP (R) AT AMINGAON ASSAM
P.O. AMINGAON
P.S. NORTH GUWAHATI
PIN 781031

3:THE DEPUTY COMMISSIONER

GOALPARA
ASSAM
P.O. BALADMARI
P.S. GOALPARA
ASSAM
PIN 783121

4:THE CIRCLE OFFICER

BOKO CIRCLE OFFICER
P.O. AND P.S. BOKO
DIST. KAMRUP (R)

ASSAM
PIN 781123

5:THE OFFICER IN CHARGE

BOKO POLICE STATION
DIST. KAMRUP (R)
ASSAM
PIN 78112

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

16.02.2024

The instant writ petition has been filed by the petitioner being aggrieved by the inactions on the part of the respondent authorities in making payment of the amount of Rs.4,00,000/- (Rupees Four Lakhs) which the petitioner claims to be entitled to as per the Notification dated 16.06.2015 issued by the Revenue (Relief & Rehabilitation Branch) and Disaster Management Department of the Government of Assam.

2. From the materials on record, it reveals that the son of the petitioner expired due to drowning. The police report enclosed to Annexure-3 to the writ petition reveals that the petitioner's son along with his nephew went to take bath in a fishery pond of one Baharul Islam, situated at No.1 Bhatipara, P.S. Boko, but unfortunately due to excess flood in the area and in the pond both

the minor boys fell down in the pond and later, a search was made and recovered the dead bodies from the pond water.

3. It is under such circumstances, on 21.12.2020, the petitioner submitted an application seeking financial assistance to the Deputy Commissioner Kamrup(Rural) at Amingaon on the basis of the Notification dated 16.06.2015 and a claim was made of an amount of Rs.4,00,000/-.

4. Pursuant to the filing of the writ petition, an affidavit has been filed by the Circle Officer, Boko Revenue Circle wherein it has been mentioned that accidental death(drowning) of the son of the petitioner on 16.07.2020 happened when the son of the petitioner Safiqul Rahman and one Ajas Ahmed went to take bath in a private fishery pond of one Baharul Islam, but unfortunately died due to drowning. It was specifically mentioned that it is no way a flood related death.

5. Taking into account the above, it is the opinion of this Court that as the unfortunate death on the part of the son of the petitioner was not on account of any flood which can fall within the ambit of the term '*Disaster*' mentioned in Section 2(d) of the *Disaster Management Act 2005*, the petitioner would not be entitled to the writ as sought for.

6. Consequently, this Court finds no merit in the writ petition for which the instant writ petition stands dismissed.

JUDGE

Comparing Assistant