

GAHC010083572023



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

Case No. : WP(C)/2488/2023

SANGITA DUTTA
W/O LATE PRANAB DUTTA,
VILL- PANDU TAMULGHAT,
P.O.- GUWAHATI UNIVERSITY,
DISTRICT- KAMRUP(M), PIN- 781014.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI- 06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER
SONITPUR
TEZPUR
ASSAM
PIN- 784001.

4:THE CIRCLE OFFICER
CHARIDUAR REVENUE CIRCLE
SONITPUR.

5:THE SUPERINTENDENT OF POLICE
SONITPUR

TEZPUR
ASSAM
PIN- 784001.

6:THE OFFICER-IN-CHARGE
CHARIDUAR POLICE STATION
SONITPUR
PIN- 784102.

7:THE SUPERINTENDENT OF GAUHATI MEDICAL COLLEGE AND
HOSPITAL
GUWAHATI-05

Advocate for the Petitioner(s) : Mr. M. Rana, Advocate

Advocate for the Respondents(s) : Mrs. P. R. Mahanta, SC, Revenue
: Ms. M. Barman, Jr. Govt. Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 14.08.2024

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 being the wife of the deceased person is entitled in terms with the notification dated 15.11.2014.

2. The Petitioner herein claims to be the wife of one Pranab Dutta (since deceased). The brief facts of the instant case is that on 28.02.2020 at about 9 PM, the husband of the Petitioner Late Pranab Dutta was coming from Guwahati to Gogamukh by his private vehicle bearing Registration No.AS-25-CC-6717. While Late Pranab Dutta parked his vehicle on the side of NH-15 and tried to cross the said road, one unknown vehicle coming in a rash and negligent manner from Lakhimpur side hit the husband of the petitioner and as a result,

the husband of the petitioner had received severe injuries. Thereupon, the husband of the petitioner was taken to Balipara Primary Hospital and from there, he was referred to Tezpur Medical College and Hospital and as a result, due to grievous injuries, the husband of the Petitioner expired. The post mortem of the deceased person was conducted at GMCH, Guwahati on 02.03.2020. In that regard, on 01.06.2020, the Petitioner had lodged an FIR under Sections 279/304(A) of the Indian Penal Code which was registered and numbered as CDR P.S. Case No.61/2020.

3. Thereupon, the Petitioner had in terms with the notification dated 15.11.2014, issued by the Respondent No.1, filed representations 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 the Petitioner for which the instant writ petition is filed.

4. Mrs. P. R. Mahanta, the learned Standing counsel appearing on behalf of the Revenue Department submits that in similar matters, this Court had issued directions for making payment after making due verification.

5. Taking into consideration the specific stand taken by the Petitioner on the basis of the notification dated 15.11.2014 and also the submission of Mrs. P. R. 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.1 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 Petitioner's entitlement if it is found that the

Petitioner is entitled, the said Ex-gratia payment of Rs.2,00,000/- may be released to the Petitioner.

6. It is further directed that the entire exercise be completed within a period of 3 (three) months from the date a certified copy of the instant order is served upon the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) & Disaster Management Department.

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

8. Before parting with the records, this Court also observes that the judgment of the learned Coordinate Bench of this Court in the case of ***Monisa Khatun @ Monisha Khatun Vs. the State of Assam and 5 others [WP(C) No.2700/2023]*** shall not apply to the facts of the instant case taking into account that from the affidavit so filed by the Respondents, it is clear that the incident had duly occurred and the vehicle in question which caused the accident could not be traced out.

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

JUDGE

Comparing Assistant