

GAHC010093502022



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

Case No. : WP(C)/3339/2022

RUPALI BORAH AND 2 ORS
W/O- LATE MOHEN BORAH, R/O- VILL. KACHARIPAM GAON, P.O. DHANI
CHAPARI, P.S. DERGAON, DIST.- GOLAGHAT, ASSAM, PIN- 785814

2: JUTIKA BORAH
D/O- LATE MOHEN BORAH
R/O- VILL. KACHARIPAM GAON
P.O. DHANI CHAPARI
P.S. DERGAON
DIST.- GOLAGHAT
ASSAM
PIN- 785814

3: UTTAM KUMAR BORAH
S/O- LATE MOHEN BORAH
R/O- VILL. KACHARIPAM GAON
P.O. DHANI CHAPARI
P.S. DERGAON
DIST.- GOLAGHAT
ASSAM
PIN- 785814. (AS THE PETITIONER NO. 3 IS A MINOR THEREFORE HE IS
REPRESENTED BY THE PETITIONER NO. 1 AS NATURAL GUARDIAN)

VERSUS

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

2:THE DEPUTY COMMISSIONER
KAMRUP(RURAL)
AT AMINGAON

ASSAM
PIN- 781031.

3:THE DEPUTY COMMISSIONER
GOLAGHAT
P.O. AND P.S.- GOLAGHAT
ASSAM
PIN- 785621.

4:THE CIRCLE OFFICER
DERGAON REVENUE CIRCLE
P.O. AND P.S.- DERGAON
ASSAM
PIN- 785614.

5:THE OFFICER-IN-CHARGE
SUWALKUCHI RIVER POLICE STATION
P.O.- SUWALKUCHI
DIST.- KAMRUP(RURAL)
ASSAM
PIN- 781103

Advocate for the Petitioner : MR. RITUMONI DEKA

Advocate for the Respondent : SC, REVENUE

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

ORDER

Date : 06-03-2024

Heard Mr. S.I. Akand, learned counsel for the petitioner, Ms. M. Barman, learned Government Advocate for the State respondent No. 2 to 5 and Ms. N. Bordolio, learned Standing counsel, Revenue & Disaster Management department for the respondent No. 1.

The present writ petition is disposed at the admission stage as consented to, by the learned counsel for the parties.

The case of the petitioner, in brief is that, the petitioner No.1 is the wife of late Mohan Borah and the petitioner No. 2 & 3 are the daughter and the son of the deceased. Late

Mohan Borah was an employee of the IWTD. On 13/10/2012 late Mohan Borah while discharging his duties accidentally fell down from R.P.L Brahmaputra ship at river Brahmaputra and was drowned. Late Mohan Borah dead body was recovered only on 16/10/2012 at about 8:00 A.M. from Machkhowa V.I.P Ghat. Subsequent to the death of her husband, the petitioner No. 1 submitted the application to the Deputy Commissioner, Kamrup on 25/07/2013 and 09/02/2022 requesting for financial assistance/ex-gratia relief of Rs. 2 Lakh by relying on the notification dated 24/04/2007 and the notification dated 15/11/2014 which were issued by the Government of Assam, Revenue & Disaster Management department, Relief and Rehabilitation Branch. However, the representations submitted by the petitioner were not considered by the respondents. Therefore, the petitioner has approached this Court by filing the present writ petition seeking for a direction to the respondent authorities to release the ex-gratia payment of Rs. 2 Lakh in terms of the notification dated 15/11/2014 issued by the Government.

Ms. M. Barman, learned Government Advocate and Ms. N. Bordolio, learned Standing counsel, Revenue department submits that since late Mohan Borah died in an accident at river Brahmaputra by drowning in between 13/10/2012 and 16/10/2012 the case of the petitioner for ex-gratia payment will be covered by the notification dated 15/11/2014 but the claim of the petitioner can be considered in terms of the notification dated 24/04/2007 wherein it is provided that person who dies in accidental cases etc. are entitled to enhance ex-gratia of Rs. 1 Lakh.

Mr. S.I. Akand, learned counsel for the petitioner does not dispute the submission made by the learned counsel for the respondents and agrees that the case of the petitioner for payment of the ex-gratia amount of Rs. 1 Lakh can be considered in the light of the notification dated 24/04/2007.

In view of the submissions made by the learned counsel for the parties, this Court proposes to dispose of the writ petition with a direction to the Deputy Commissioner, Kamrup to consider and dispose of the representations submitted by the petitioner on 25/07/2013 and 09/02/2022 strictly in terms of the notification dated 24/04/2007 by speaking order within a period of 60(sixty) days from the date of receipt of the copy of this order.

Writ petition disposed.

JUDGE

Comparing Assistant