

GAHC010097532024



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

Case No. : WP(C)/2650/2024

LABHI BEGUM @ LAVI BAGUM
W/O- SHAMS UDDIN @ SAMS UDDIN,
R/O- VILL- JATKAPAN,
P.O.- LALARCHAK,
P.S. AND DIST.- KARIMGANJ, ASSAM,
PIN- 788713.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
(RELIEF AND REHABILITATION),
DISPUR, GUWAHATI- 781006.

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

3:THE DISTRICT COMMISSIONER OF NAGAON DISTRICT
ASSAM
P.O. AND P.S.- NAGAON
ASSAM
PIN- 782002.

4:THE DISTRICT COMMISSIONER OF KARIMGANJ DISTRICT
ASSAM
P.O. AND P.S.- KARIMGANJ

PIN- 788710.

5:THE CIRCLE OFFICER
KARIMGANJ REVENUE CIRCLE
P.O. AND P.S.- KARIMGANJ

DIST- KARIMGANJ
ASSAM
PIN- 788710.

6:THE OFFICER-IN-CHARGE
CHAPARMUKH G.R.P.S.
P.O.- CHAPARMUKH
DIST.- NAGAON

ASSAM
PIN- 782425

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

22.05.2024

Heard Mr. S.I. Akand, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate, Assam, Ms. P.R. Mahanta, learned Standing Counsel, Revenue & Disaster Management Department and Ms. A. Borthakur, learned counsel appearing on behalf of Mr. P. Nayak, learned Standing Counsel, Finance Department.

2] The petitioner is before this Court praying for grant of compensation for the death of her son who after falling off from a running train, sustained

grievous injuries and thereafter, because of the injuries sustained he expired. The incident took place on 08.01.2019 at Chaparmukh Railway Station, Nagaon. The claim of the writ petitioner is for compensation issued under the notification dated 15.11.2014. Learned counsel for the petitioner submits that as per the serial no.3 in the notification dated 15.11.2014, the petitioner is entitled for grant of compensation of Rs. 3,00,000/- (Rupees three lakhs only). It is also submitted that the representation dated 30.10.2023 is filed before the Deputy Commissioner, Nagaon for grant of *ex gratia* relief to the petitioner. The said representation is stated to have been supported by the Ejahar, Final Report, Post Mortem Report, Death Certificate and Next of Kin Certificate. Learned counsel for the petitioner submits that inspite of representation having been filed, no order has been passed and the representation is stated to be pending till date.

3] Ms. S. Baruah, learned Government Advocate, Assam, submits that the claim of the petitioner is to be examined and verified by the Deputy Commissioner, Nagaon, while calling for proper report and if it is found to be correct then the proposal to be forwarded to the Commissioner and Secretary to the Government of Assam, Department of Revenue and Disaster Management Department and thereafter, the appropriate order shall be passed by the concerned Authority for grant of compensation if they deem it fit and proper.

4] By taking into consideration of the submissions advanced by the learned counsel for the parties, this Court is of the view that the writ petition can be disposed of at this stage by directing the Deputy Commissioner, Nagaon to dispose of the representation dated 30.10.2023 as it is stated that the representation dated 30.10.2023 is still pending before the Deputy Commissioner, Nagaon. Accordingly, the writ petition is disposed of directing the Deputy Commissioner, Nagaon to examine the claims of the writ petitioner by calling for detailed report and thereafter, if the claim of the writ petitioner is found to be genuine, a proposal be prepared and sent to the Office of the Commissioner and Secretary to the Government of Assam, Department of Revenue and Disaster Management Department for grant of compensation under the notification dated 15.11.2014. This exercise be completed by the Deputy Commissioner, Nagaon within a period of 60 (sixty) days from the date of receipt of a certified copy of this order. In the event the proposal for compensation is sent to the Office of the respondent no.1, namely, the Commissioner and Secretary to the Government of Assam, Department of Revenue and Disaster Management Department, the said Department will consider the proposal as per law and pass appropriate order within a further period of 60 (sixty) days there from.

5] The petitioner will furnish a certified copy of this order along with the copy

of the writ petition to the Deputy Commissioner, Nagaon for necessary order.

6] The writ petition stands disposed of in terms of the above observations and directions.

JUDGE

Comparing Assistant