

GAHC010100342022



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

Case No. : WP(C)/3498/2022

MANIKHA BORUAH BURAGOHAIN @ MANIKHA BORUAH GOHAIN
W/O. LT. LAMBESWAR BURAGOHAIN @ LAMBESWAR GOHAIN, VILL.
BHADRAPARA (BORUAH CHUK), WARD NO.4, P.O. AND P.S. DHEMAJI,
DIST. DHEMAJI, ASSAM, PIN-787057.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE
(RELIEF AND REHABILITATION) AND DISASTER MANAGEMENT DEPTT.,
DISPUR, GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER

DHEMAJI
ASSAM
P.O. AND P.S. DHEMAJI
PIN-787057.

3:THE CIRCLE OFFICER

DHEMAJI REVENUE CIRCLE
P.O. AND P.S. DHEMAJI
ASSAM
PIN-787057.

4:THE OFFICER IN CHARGE OF DHEMAJI POLICE STATION

P.O. DHEMAJI
DIST. DHEMAJI
ASSAM
PIN-787057.

5:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI- 781006

Advocate for the Petitioner : S I AKAND

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 10.06.2024

Heard Mr. S.I. Akand, learned counsel for the petitioner. Also heard Mr.S. Baruah, learned Government Advocate representing respondent Nos. 2, 3 and 4.

2. This writ petition is filed by the petitioner praying for grant of ex-gratia relief in respect of her late husband, late Lambeswar Buragohain @ Lambeswar Gohain, who succumbed to the injuries sustained at an accident while he was riding his motor cycle on National Highway-52 near the Na-Ali in front of Bhaju Gaon, Hori Mandir on 22.03.2012 at around 7.00 p.m.

3. Pursuant to the said unfortunate incident the petitioner being a widow of late Lambeswar Buragohain @ Lambeswar Gohain had approached the Deputy Commissioner, Dhemaji by filing representation dated 03.09.2012 claiming for ex-gratia compensation. This was followed subsequently by another representation dated 15.03.2022 stated to have been filed by the petitioner. The petitioner claims that as per the Notification issued by the Government from time to time, the petitioner is entitled to be granted an ex-gratia relief as her husband succumbed to the injuries sustained on a road traffic accident.

4. The writ petition was filed in the year 2022 and notices in the matter were issued as far back as 27.05.2022 however, no response is forthcoming from the respondents. Today also when the matter is called up, the learned Government Counsel is not posted with the required instructions. Accordingly, this Court is of the view that the matter need not be kept pending for the want of instructions from the Government. Since two representations are stated to have been filed by the petitioner before the Deputy Commissioner, Dhemaji, the writ petition is disposed of with a direction to the Deputy Commissioner, Dhemaji to make necessary enquiries into the matter and call for all required reports from the various quarters as may be necessary and upon such an enquiry, if it is found that the petitioner is entitled to be paid an ex-gratia compensation in terms of the scheme formulated by the Government, as it existed at the time when the petitioner's late husband met with the accident and succumbed to the injuries sustained, the Deputy Commissioner, Dhemaji will put up a necessary proposal to be forwarded to the Office of the Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department. The Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department will thereafter, consider the said proposal put up by the Deputy Commissioner, Dhemaji and pass necessary orders for release of the ex-gratia amount, if found to be payable to the petitioner, as claimed.

5. The Deputy Commissioner, Dhemaji will cause the enquiry to be undertaken and if found to be correct, a proposal be forwarded to the Office of the Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department within a period of 60 (sixty) days from the date of receipt of a certified copy of this order. If such a

proposal is forwarded to the Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department then the same shall be considered and necessary orders as deemed proper be passed by the Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department within a further period of 30 (thirty) days there- from.

6. With the above observation, this writ petition, stands disposed of and closed.

JUDGE

Comparing Assistant