

GAHC010109312023



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

**Case No. : WP(C)/2929/2023**

JASIM ALI  
S/O- LATE INNAS ALI,  
VILL- KALJAH PATHAR,  
P.O.- BURIKHAMAR,  
P.S.- SARTHEBARI,  
DIST.- BARPETA, ASSAM,  
PIN- 781311

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM,  
REVENUE (RELIEF AND REHABILITATION) AND DISASTER  
MANAGEMENT DEPARTMENT,  
DISPUR, GHY-6.

2:THE COMMISSIONER OF POLICE  
KAMRUP(M)  
ASSAM  
GUWAHATI-01.

3:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
ASSAM  
GUWAHATI-36.

4:THE DEPUTY COMMISSIONER  
BARPETA  
ASSAM  
PIN- 781301.

5:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE  
P.S.- BASISTHA  
DIST. KAMRUP(M)

ASSAM  
PIN- 781029

**Advocate for the Petitioner** : MR. W RAHMAN

**Advocate for the Respondent** : SC, REVENUE

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

**ORDER**

**Date : 07-03-2024**

Heard Mr. W. Rahman, learned counsel for the petitioner, Mr. A. Bhattacharjee, learned Standing counsel, Revenue & Disaster Management department for the respondent No. 1 and Mr. J. Handique, learned Government Advocate for the respondent No. 2 to 5.

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

The petitioner's case as projected is that, the petitioner's wife late Sahar Bhanu died in a road accident, on 11/01/2022 involving the vehicle (Alto Car K10) bearing registration No. AS-01BS-3543, near Gurdwara in front of Raju Dhaba, Guwahati. The petitioner accordingly lodged the FIR dated 17/01/2022 to the Officer-in-Charge, Basistha Police Station and consequent to which the Basistha P.S Case No. 82/2022 u/s 279/304(A) IPC was registered by the Police. The petitioner also submitted the application dated 08/04/2022 to the Deputy Commissioner, Kamrup (M), Assam seeking for financial assistance/ex-gratia compensation, however, the application submitted by the petitioner has not been considered as of date.

Mr. W. Rahman, learned counsel for the petitioner submits that the Government of Assam, Revenue & Disaster Management department, Relief & Rehabilitation Branch has issued the notification dated 15/11/2014 which inter-alia provides that a sum of Rs. 2 Lakh

will be provided as the quantum of relief/ex-gratia to the next kin (NOK) of person killed due to accident in public place or in public carriers. The learned counsel, therefore, submits that the petitioner is entitled to receive ex-gratia of Rs. 2 Lakh in terms of the notification dated 15/11/2014.

The learned counsel for the petitioner as well as the learned Standing counsel for the respondent No.1 and the learned Government Advocate for the respondent No. 2 to 5 are in unanimity that the writ petition can be disposed with a direction to the Deputy Commissioner, Kamrup (M), Assam to consider and dispose the application dated 08/04/2022 submitted by the petitioner in the light of the notification dated 15/11/2014 issued by the Government of Assam.

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 (M), Assam to dispose the application dated 08/04/2022 submitted by the petitioner seeking for financial assistance after making necessary verification and by strictly adhering to the notification dated 15/11/2014. All exercises for compliance of this order shall be completed within a period of 60(sixty) days from the date of receipt of the copy of this order.

The learned counsel for the petitioner shall once again submit the copy of the application dated 08/04/2022 to the Deputy Commissioner, Kamrup (M), Assam for necessary action within a period of 5(five) days from today.

Writ petition disposed.

**JUDGE**

**Comparing Assistant**