

GAHC010130142023



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

Case No. : WP(C)/3617/2023

KHALEDA BIBI @ KHALIDA BIBI
W/O- USUF ALI,
VILL- DHALIGAON,
P.O.- NEW BONGAIGAON,
P.S.- BONGAIGAON,
DIST.- BONGAIGAON, ASSAM,
PIN- 783380.

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS,
GOVT. OF INDIA, NEW DELHI-01.

2:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM

DISPUR
GUWAHATI-06.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06.

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

5:THE ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED BY ITS MEMBER SECRETARY

GHY-01.

6:THE DISTRICT LEGAL SERVICES AUTHORITY
KOKRAJHAR
ASSAM
REPRESENTED BY ITS MEMBER SECRETARY

P.O. AND P.S. AND DIST.- KOKRAJHAR
ASSAM

PIN- 783370.

7:THE CHAIRMAN
DISTRICT LEGAL SERVICES AUTHORITY
KOKRAJHAR
ASSAM
P.O AND P.S AND DIST- KOKRAJHAR
BTR

ASSAM
PIN- 783370

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 01.05.2024

Mr. M. Hussain, learned counsel for the petitioner, Ms. B. Devi, learned counsel appearing on behalf of Mr. S.P. Choudhury, learned CGC, respondent no.1 and Mr. B.J. Talukdar, learned senior counsel, assisted by Mr. P.P. Medhi, learned counsel appearing for respondent nos. 2 to 7.

2. The husband of the petitioner, namely, Usuf Ali had missing from 20.07.2012 and accordingly, Fakiragram PS Case No. 76/2016 under Section 366 IPC was registered. Thereafter, the petitioner had approached this Court by

filing WP(C) 1858/2018, and prayed for payment of ex-gratia in terms of the Assam Victim Compensation Scheme, 2012. Accordingly, this Court by order dated 11.02.2022, directed the Secretary, DLSA, Kokrajhar to examine the claim of the petitioner for victim compensation. Thereafter, by order dated 21.03.2022, passed in connection with the proceeding of A.V.C.M. No. 7/2022, the Secretary, DLSA, Kokrajhar, found the petitioner to be entitled to revised victim compensation of Rs.5.00 lakh.

3. The case of the petitioner is that the Secretary, DLSA, Kokrajhar has informed that as the Govt. of Assam has not released funds, the compensation to the petitioner could not be released. Hence, this writ petition has been filed under Article 226 of the Constitution of India.

4. In this case notice of motion was issued by order dated 22.06.2023, but no response has been filed.

5. It is seen that pursuant to the order of this Court dated 11.02.2022 in WP(C) 1858/2018, the Secretary, DLSA, Kokrajhar has made an enquiry and found the petitioner to be entitled to ex-gratia of Rs.5.00 lakh in terms of notification no. 524/15/Pt./190 (ECF 3861) dated 01.02.2019.

6. As the State respondents have not disputed that the husband of the petitioner was missing since 20.07.2012 and there is no challenge to the order dated 21.02.2022 passed by the Secretary, DLSA, Kokrajhar in A.V.C.M. No. 7/2022, the Commissioner and Secretary to the Govt. of Assam, Finance Department is directed to place fund of Rs.5.00 lakh and the disposal of the DLSA, Kokrajhar within a period of 6(six) weeks from the date of receipt of certified copy of this order. On such payment being released, the Secretary, DLSA, Kokrajhar shall release the compensation to the petitioner.

7. Accordingly, this writ petition stands allowed to the extent as indicated above.

JUDGE

Comparing Assistant