

GAHC010158012022



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

Case No. : WP(C)/5314/2022

CHITRAMAL MUDIAR AND ANR.
S/O LATE RATI KANTA MUDIAR,
VILL.- PIPLIBARI, (TENGABARI), P.O.- PIPLIBARI, P.S.- BELSOR,
DIST.- NALBARI, ASSAM, PIN- 781338.

2: MANJU MUDIAR
W/O SRI CHITAMAL MUDIAR

VILL.- PIPLIBARI
(TENGABARI)
P.O.- PIPLIBARI
P.S.- BELSOR

DIST.- NALBARI
ASSAM
PIN- 781338

VERSUS

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

2:THE DEPUTY COMMISSIONER
KAMRUP (RURAL)
AT AMINGAON
ASSAM
P.O.- AMINGAON
P.S.- NORTH GUWAHATI
PIN- 781031.

3:THE DEPUTY COMMISSIONER
NALBARI

ASSAM
P.O.
P.S- NALBARI
PIN- 781335.

4:THE CIRCLE OFFICER
PACHIM NALBARI REVENUE CIRCLE
P.O.
P.S.- BELSOR
DIST.- NALBARI
ASSAM
PIN- 781304.

5:THE OFFICER-IN-CHARGE
HAJO POLICE STATION
P.O.- HAJO
DIST.- KAMRUP (RURAL)
ASSAM
PIN- 781102

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

14.06.2024

Heard Mr. S.I. Akand, learned counsel for the petitioner. Also heard Ms. P.R. Mahanta, learned Standing Counsel, Revenue and Ms. S. Baruah, learned Government Advocate.

2. The petitioners are before this Court seeking a direction to the respondent authorities to disburse the ex-gratia grant of Rs. 2,00,000/- in terms of the Notification dated 15.11.2014 of the Revenue (Relief & Rehabilitation Branch) & Disaster Management Department, on the ground that they the parents of one Udismita Mudiar who expired in a road traffic accident on 30.11.2020.

3. Pursuant to the said unfortunate incident the petitioners being the father and mother had approached the Deputy Commissioner, Kamrup (Rural) by filing representation dated 31.03.2022 claiming for ex-gratia compensation. The petitioners claim that as per the Notification issued by the Government from time to time, the petitioners are entitled to be granted an ex-gratia relief as their daughter 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 22.08.2022 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 a representation is stated to have been filed by the petitioners before the Deputy Commissioner, Kamrup(Rural), the writ petition is disposed of with a direction to the Deputy Commissioner, Kamrup(Rural) 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 petitioners daughter met with the accident and succumbed to the injuries sustained, the Deputy Commissioner, Kamrup (Rural) 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, Kamrup(Rural) and pass necessary orders for release

of the ex-gratia amount, if found to be payable to the petitioners, as claimed.

5. The Deputy Commissioner, Kamrup(Rural) 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