

GAHC010167892021



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

Case No. : WP(C)/5781/2021

BASER SIDAR @ ABDUL BASER SIKDAR
S/O LATE TAMEZ SIKDAR, RESIDENT OF VILLAGE NALIGAON, PO
NALIGAON, PS SARTHEBARI, DIST BARPETA, ASSAM 781352

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT
(RELIEF AND REHABILITATION BRANCH) DISPUR GUWAHATI 781006

2:THE DEPUTY COMMISSIONER

BARPETA
ASSAM
781301

3:THE CIRCLE OFFICER

SARTHEBARI REVENUE CIRCLE
PO AND PS SARTHEBARI
DIST BARPETA
ASSAM
781307

4:THE OFFICER IN CHARGE

HOWLY POLICE STATION
DIST BARPETA
ASSAM 78131

For the petitioner (s) : Mr. R. Deka, Advocate

For the respondent (s) : Ms. S. Baruah, Govt. Advocate, Assam
Mrs. P. R. Mahanta, SC, Revenue

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

09.02.2024

This is an application filed under Article 226 of the Constitution of India whereby the Petitioner is aggrieved for non-payment of the ex-gratia relief to which the Petitioner being the wife of the deceased is entitled in terms with the notification dated 15.11.2014.

2. The brief facts of the instant case is that on 30.07.2019 at about 1.30 P.M., while the wife of the petitioner namely Batashi Begum @ Batashi Khatun was proceeding from Mairamara towards Howly Town along with her elder sister Rabiya Khatun & Mairamara Khatun, as a pedestrian by their left side and when they reached near Howly High School play ground, suddenly a motor cycle bearing Regd. No. AS-15-D-1086 which was being ridden by its rider rashly and negligently came from opposite direction by over taking a car and hit the wife of the petitioner from the front side. As a result, the wife of the petitioner fell down and sustained multiple grievous injuries. Immediately after the incident, the injured was taken to the Howly CHC, wherefrom she was referred to FAAMCH and after that she was shifted to GMCH due to her critical condition. But during the course of her treatment, she succumbed to the injuries on 01.08.2019 at G.M.C.H. Thereupon, the Petitioner had

in terms with the notification dated 15.11.2014 filed a representation dated 24.12.2020 before the respondent No.2 praying for ex-gratia payment of an amount of Rs.2,00,000/-. But the Respondent No.2 did not take any action for the payment to which the petitioner is entitled to in terms with the notification dated 15.11.2014.

3. Being aggrieved, for non consideration of the request made by the Petitioner, the Petitioner has approached this Court under Article 226 of the Constitution of India.

4. Mrs. P. R. Mahanta, learned Standing counsel, Revenue Department appearing on behalf of Respondent No.1 submits that in similar matters this Court had issued directions for making payment after making due verification.

5. Taking into consideration the specific stand taken by the Petitioner on the basis of the notification dated 15.11.2014 and also the submission of Mrs. P. R. Mahanta, learned Standing counsel, Revenue Department to the effect that in respect to similarly situated persons this Court had passed directions for making payment after making due verification, this court is therefore of the opinion that it would be in the interest of justice that the instant petition be disposed of with a direction to the Respondent No.1 to consider the prayer of the Petitioner as regards the entitlement in terms with the notification dated 15.11.2014 and after due verification as regards the Petitioner's entitlement if it is found that the Petitioner is entitled, the said ex-gratia payment of Rs.2,00,000/- may be released to the Petitioner.

6. It is further directed that the entire exercise be completed within a

period of 3 (three) months from the date a certified copy of this order is served upon the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department.

7. The Petitioner is further directed to submit the Next of Kin Certificate to the Commissioner & Secretary, to the Government of Assam, Revenue (Relief and Rehabilitation) Disaster Management Department along with the certified copy of this order.

8. It is however observed that if in the meantime, the application of the petitioner dated 24.12.2020 has already been considered by the respondent authorities and/or the amount has already been disbursed, the question of the compliance with the above directions do not arise.

9. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant