

GAHC010167972021



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

Case No. : WP(C)/5539/2021

SMTI. ANURADHA BARMAN
W/O BABLU DAS, R/O VILL- HILAPUKHURI, P.O.-HOWLY, P.S.-HOWLY,
DIST- BARPETA, ASSAM, PIN-781316

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS
(DISASTER MANAGEMENT DIVISION), C WING, 3RD FLOOR, NDCC-II, JAI
SHING ROAD, NEW DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT (RELIEF AND
REHABILITATION BRANCH)
DISPUR
GUWAHATI-781006

3:THE DEPUTY COMMISSIONER OF BARPETA
ASSAM
P.O. AND P.S.-BARPETA
PIN-781301

4:THE CIRCLE OFFICER
BARPETA REVENUE CIRCLE
P.O.-BARPETA
P.S.-BARPETA
DIST- BARPETA
ASSAM
PIN-781315

5:THE OFFICER-IN-CHARGE
BARPETA ROAD POLICE STATION
DIST- BARPETA
ASSAM PIN-78131

Advocate for the Petitioner : MR. R Deka, SC, REVENUE, S I AKAND, MR A CHOUDHURY, MR M BARMAN

Advocate for the Respondent : MRS. A GAYAN (C.G.C.), GA, ASSAM, ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 28.10.2024

Heard Mr. S. I. Akand, learned counsel for the petitioner. Also heard Mr. A. Bhattacharya, learned Standing Counsel for the Revenue Department and Mr. M. Chetia, learned Junior Government Advocate for the State respondents.

By way of this writ petition under Article 226 of the Constitution of India, the petitioner is seeking ex-gratia compensation of Rs. 4,00,000/- (Rupees Four Lakh Only) against the death of her husband, i.e. late Bablu Das as per the notification dated 16.06.2015 issued by the Government of Assam, Revenue (Relief & Rehabilitation Branch) and Disaster Management Department.

The case of the petitioner is that on 18.06.2020, the husband of the petitioner died due to drowning in flood at village Hilapakuri under Barpeta road and therefore in terms of the notification dated 16.06.2015, the petitioner represented for release of ex-gratia compensation, however, since the same was not granted, the present

writ petition has been filed.

Mr. S. I. Akand, learned counsel for the petitioner submits that in terms of the affidavits filed by the respondent authorities, it has been brought on record that the petitioner's husband died due to suddenly falling down into the river accidentally and died and as such is entitled for ex-gratia relief under the notification of Government of Assam dated 15.11.2014.

Mr. A. Bhattacharya and Mr. M. Chetia, learned counsel for the respondents also fairly submits that the petitioner's husband in terms of the reports brought on record by the respondent authorities by filing affidavit-in-oppositions indicates that the petitioner's husband died due to accident in public places and therefore appears to be covered under the notification dated 15.11.2014.

Heard the learned counsel for the contesting parties and perused the material available on record.

It appears from the affidavit-in-opposition filed on behalf of respondent no. 5 on 02.02.2024 that the respondent no. 5 during the course of investigation had personally visited the place of occurrence, where the petitioner's husband was fishing in Mora Manah Nodi (river) in Hilapakuri village by standing on the edge of culver and from where he suddenly fell down into the river accidentally and died.

It further appears that in terms of the notification dated 15.11.2014 issued by the Government of Assam, Revenue & Disaster Management Department, an amount to Rs. 2,00,000/- is quantified as

ex-gratia relief to the Next-of-kin of persons killed due to accident in public places.

In view of the above, this court is of the considered opinion that this writ petition can be disposed of, in the interest of justice, by directing the respondent authorities to verify the claim of the petitioner and if the petitioner is so entitled, to pay the prescribed ex-gratia amount in terms of the notification dated 15.11.2014 in accordance with law within a period of 3 (three) months from the date of receipt of the certified copy of the order.

Ordered accordingly.

Disposed of.

JUDGE

Comparing Assistant