

GAHC010172052020



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

Case No. : WP(C)/5156/2020

DHANANJOY KUMAR BRAHMA
S/O- LT. BANKIM BRAHMA, B/O- LT. ASHINTA KUMAR BRAHMA, VILL-
BATABARI, P.O. CHORAIKHOLA, P.S. KOKRAJHAR, DIST.- KOKRAJHAR,
BTR, ASSAM, PIN- 783376

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-6

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
RELIEF AND REHABILITATION DEPTT.
DISPUR
GHY-6

3:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT.
DISPUR
GHY-6

4:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6

5:THE DY. COMMISSIONER
KOKRAJHAR
ASSAM
P.O. AND P.S. AND DIST.- KOKRAJHAR
ASSAM
PIN- 783370

6:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM
P.O. AND P.S. AND DIST.- KOKRAJHAR
ASSAM
PIN- 783370

7:THE OFFICER-IN-CHARGE
KOKRAJHAR P.S.
P.O. AND P.S. - KOKRAJHAR
DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 783370

8:THE CIRCLE OFFICER
KOKRAJHAR REVENUE CIRCLE
KOKRAJHAR
P.O. AND P.S. - KOKRAJHAR
DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 78337

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

13.05.2024

1. Heard Mr. M. Hussain, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned Addl. Sr. Government for the State respondents and Ms. G. Hazarika, learned Standing Counsel, Revenue Department.
2. By way of this writ petition the petitioner is seeking ex-gratia compensation on the ground that the younger brother of the petitioner, namely Ashinta Kumar

Brahma was killed by extremists on 09.12.2000.

3. The facts of the case is that the younger brother of the petitioner upon being killed by the B.L.T.F. extremists, the father of the petitioner as well as the petitioner on several occasions applied for ex-gratia compensation before the District Commissioner, Kokrajhar. But, no action was taken on the aforesaid applications. It is the further case of the petitioner that the father of the petitioner died in the year 2006. Thereafter, on 13.11.2017, the petitioner had also filed an application before the Commissioner and Secretary to the Government of Assam, Revenue & Relief and Rehabilitation Department seeking ex-gratia grant for killing of his younger brother by the B.L.T.F. extremists under the applicable scheme. Having no response from the government, the instant writ petition is filed.

4. I have heard the learned counsels for the parties and perused the materials available on record.

5. It appears that though an application for ex-gratia compensation has been preferred in the office of the District Commissioner, Kokrajhar, the same has not been looked into. However, the copy of the aforesaid application is not enclosed to the writ petition.

6. Be that as it may, for the ends of justice, this Court is of the considered view that this writ petition can be disposed of with a direction to the District Commissioner, Kokrajhar to cause an enquiry as regards the entitlement of the petitioner for any compensation in relation to the death of his younger brother in accordance with law. In the event the petitioner is entitled for ex-gratia compensation, the Revenue Department shall do the needful.

7. Needless to clarify that the entire exercise shall be carried out by the

respondent authorities within a period of 2(two) months from the date of receipt of a certified copy of this order.

8. Let a copy of the writ petition along with a copy of this order be submitted before the concerned authorities by the petitioner.

9. With the aforesaid directions and observations this writ petition stands disposed of.

JUDGE

Comparing Assistant