

GAHC010215282023



undefined

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

Case No. : WP(C)/5631/2023

ABU BAKKAR SIDDIQUE @ BAKKAR SIDDIQUE
S/O- CHAKITAN NESSA,
VILL- 279 NAYER ALGA PART I,
P.S- BILASIPARA, DIST- DHUBRI, ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT
DISPUR, GHY-06.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-06.

3:THE DEPUTY COMMISSIONER
DHUBRI

DIST.- DHUBRI
ASSAM.
PIN-783301

4:THE SUPERINTENDENT OF POLICE
DHUBRI

DIST.- DHUBRI
ASSAM.
PIN-783301

5:THE OFFICER IN CHARGE
BILASIPARA POLICE STATION

DHUBRI

DIST.- DHUBRI
ASSAM.
PIN-783348

6:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
P.S- BILASIPARA
DIST.- DHUBRI
ASSAM.
PIN-78334

For the Petitioner(s) : Mr. A. Islam, Advocate

For the Respondent(s) : Mr. S.S. Roy, Govt. Advocate
Mr. R. Borpujari, SC, Finance
Ms. N. Bordoloi, SC, Revenue

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 16.12.2024

Heard Mr. A. Islam, the learned counsel appearing on behalf of the petitioner. Ms. N. Bordoloi, the learned Standing Counsel appears on behalf of the respondent No. 1, Mr. R. Borpujari, the learned Standing Counsel appears on behalf of the respondent No. 2 and Mr. S.S. Roy, the learned Government Advocate appears on behalf of the respondent Nos. 3, 4, 5 and 6.

2. The petitioner herein is the father of a child namely Late Momirul Islam. Unfortunately, while his son, who was 7(seven) years old when he

went to take a bath in the river Brahmaputra along with his mother on 07.08.2019, his son was drowned and later on his body was recovered by the SDRF. In that regard, a Bilasipara P.S. U/D Case No. 15/2019 dated 08.08.2019 was also registered and the police had also given a report dated 24.09.2019, evidencing that the son of the petitioner has expired upon being drowned in the river Brahmaputra. The petitioner thereupon had applied for compensation on 07.11.2019 in terms with the Notification dated 15.11.2014 whereby the State of Assam had formulated a Policy to grant compensation on account of various incidents including when a person is killed due to accident in public places or in public carriers (other than killed by extremists/terrorists/miscreants and due to the firing of security forces) of an amount of Rs. 2,00,000/-(Rupees Two Lakh).

3. The petitioner's representation was submitted to the Revenue Department on 07.11.2019, which remained unanswered for which the petitioner has approached this Court by filing the writ petition.

4. This Court has duly taken note of that the learned Coordinate Benches of this Court had passed orders thereby directing certain verifications to be carried out and thereupon to make payment.

5. Taking into account the above, this Court therefore disposes of the instant writ petition thereby directing the petitioner herein to submit a certified copy of the instant order to the Principal Secretary of the Government of Assam, Revenue and Disaster Management Department.

6. Upon receipt of the said certified copy the Principal Secretary to the Government of Assam, Revenue and Disaster Management Department

who is the respondent No. 1 herein is directed to make necessary verifications through the Office of the Deputy Commissioner, Dhubri as well as the Superintendent of Police, Dhubri and thereupon if it is found that the petitioner is entitled to in terms with the Notification dated 15.11.2014, shall make necessary disbursement of the amount to which the petitioner is entitled to as per the said notification.

7. The said exercise be completed within 4(four) months from the date of a certified copy is served upon the respondent No. 1.

JUDGE

Comparing Assistant