

GAHC010218102023



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

Case No. : WP(C)/5687/2023

MD. BAHARUL ISLAM
S/O LT. JAYNAL ABDIN, VILL - MOIRADHAJ, P.O.-ROWMARI, P.S.-DHING,
DIST- NAGAON, ASSAM, PIN-782123

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPTT., RELIEF
AND REHABILITATION BRANCH, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06

3:THE DEPUTY COMMISSIONER
MORIGAON
P.O.-MORIGAON
DIST- MORIGAON
ASSAM
PIN-782105

4:THE SUPERINTENDENT OF POLICE
MORIGAON
P.O.-MORIGAON
DIST- MORIGAON
ASSAM
PIN-782105

5:THE OFFICER -IN -CHARGE
MOIRABARI POLICE STATION

P.O.-MOIRABARI
DIST- MORIGAON
ASSAM
PIN-782126

6:THE CIRCLE OFFICER OF DHING REVENUE CIRCLE
P.O.-DHING
DIST- NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 19.07.2024

Heard Mr. M.R. Khandarkar, learned counsel for the petitioner. Also heard Ms. M. Barman, learned Government Advocate and Ms. G. Hazarika, learned Standing Counsel, Revenue Department.

The petitioner before this Court claims to be the son of late Jaynal Abdin, who expired due to serious injury caused by an accident on 04.01.2020. The petitioner is claiming the benefit of ex-gratia to be granted to the petitioner in terms of notification dated 15.11.2014.

The learned counsel for the respondents filed an affidavit, wherein it is stated that a police case was registered in connection with the death of the father of the writ petitioner, namely, Moirabari P.S. Case No.10/2020 under Sections 279/338/304 of the Indian Penal Code. After completion of the investigation, Charge-Sheet was filed being Charge-Sheet No.02/2020 dated 29.01.2020.

Today, when the matter was called up, Ms. Barman, learned Government Advocate has placed before the Court a sanction order issued by the Deputy Commissioner, Morigaon dated 19.06.2023, whereby sanction of ex-gratia for as many as 9 persons are reflected. Sl. No.6 reflects the sanction in respect of the father of the present petitioner. It is submitted that the sanction order has already been forwarded to the respondent No.1, namely, the Department of Revenue and Disaster Management.

Under such circumstances, this Court finds it proper to close the writ petition at this stage with a direction to respondent No.1 to expeditiously consider the sanction order and make necessary payments to the writ petitioner in terms of the sanction order within a period of 60 days from the date of receipt of the certified copy of this order.

The petition stands disposed of and the copy of the sanction order is retained in the case record

JUDGE

Comparing Assistant