

GAHC010225832021



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

Case No. : WP(C)/7367/2021

SHAHIDA KHATUN
W/O HAZARAT ALI, VILL-KOREYA PT-II, P.O.-JOGIGHOPA, P.S.-JOGIGHOPA,
DIST-BONGAIGAON, ASSAM, PIN-783382

VERSUS

THE UNION OF INDIA AND 5 ORS
MINISTRY OF HOME AFFAIRS (DISASTER MANAGEMENT DIVISION)
REPRESENTED BY ITS SECRETARY, C WING, 3RD FLOOR, NDCC, JAI
SINGH ROAD, NEW DELHI-110000

2:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-6

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
(GENERAL)
DISPUR
GHY-6

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6

5:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM
DIST-BONGAIGAON
ASSAM

PIN-783380

6:THE CIRCLE OFFICER
BOITAMARI REVENUE CIRCLE
BOITAMARI
DIST- BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 03.05.2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. K. Kalita, learned counsel appearing on behalf of Mr. K.K. Parasar, learned CGC for respondent no.1; Mr. B.J. Talukdar, learned senior counsel, assisted by Mr. P.K. Medhi, learned Govt. Advocate for respondent nos.2, 5 and 6; Mrs. P.R. Mahanta, learned standing counsel for the Revenue Department, respondent no.3; and Mr. A. Chaliha, learned standing counsel for the Finance Department, respondent no.4.

2. The prayer in this writ petition is to award compensation to the petitioner for the death of her minor daughter under the National Disaster Response Fund. However, the learned counsel for the petitioner has submitted that by filing an additional affidavit, he has brought on record the notification dated 15.11.2014, issued by the Revenue and Disaster Management Department entitled the petitioner for compensation.

3. As the Court is not inclined to consider the said affidavit to constitute

amendment in the pleadings of the writ petition, the learned counsel for the petitioner prays for allowing him to withdraw this writ petition and approach again.

4. Prayer is allowed.

5. Accordingly, this writ petition stands closed on withdrawal owing to inherent defect in this writ petition. However, the petitioner is granted liberty to approach again with appropriate pleadings.

JUDGE

Comparing Assistant