

GAHC010232042023



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

Case No. : WP(C)/6126/2023

JYOTISH CHANDRA DAS
S/O LATE LALIT CHANDRA DAS, WARD NO. 5, GANDHI NAGAR, P.O. AND
P.S.-BARPETA, DIST-BARPETA, STATE-ASSAM, PIN-781301

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, ASSAM
SECRETARIAT, DISPUR, GUWAHATI-781006

2:THE SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
E-BLOCK
ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006

4:THE CHIEF EXECUTIVE OFFICER
ASDMA
DISPUR
GUWAHATI-6

5:THE DISTRICT COMMISSIONER
BARPETA
DIST-BARPETA

ASSAM

6:THE CIRCLE OFFICER
BARNAGAR CIRCLE
BARPETA

7:THE COMMISSIONER AND SECRETARY TO THE FINANCE DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI
PIN-781006

8:THE TREASURY OFFICER
BARPETA DISTRICT
BARPETA

Advocate for the Petitioner : MR. R K TALUKDAR

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT

B E F O R E

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

14.06.2024

Heard Ms. Tinlung, learned counsel for the petitioner. Also heard Ms. M. Barman, learned Government Advocate for the State respondent and Ms. N. Bordoloi, learned Standing Counsel, Revenue & Disaster management Department and Mr. B.Gogoi, learned Standing Counsel for the Finance Department.

2. By filing this petitioner under Article 226 of the Constitution of India, the petitioner is seeking direction from the respondent authorities, more particularly, respondent Nos. 1, 2, 3 and 4 to consider the case of the petitioner under the

'Rehabilitation Policy for Erosion Affected Families of Assam, 2020" in terms of Office Memorandum No. RGR.785/2014/91 dated 06.01.2021 and RGR. 611/2015/66 dated 26.06.2015.

3. It is submitted at the bar that the office of the District Commissioner, Barpeta by Order dated 31.08.2023 after considering the application filed by the petitioner for release of financial assistance, in terms of the Scheme applicable, found the petitioner entitled.

4. A perusal of the said Order enclosed as annexure-8 to the petition reveals that District Administration has also sent letter to Revenue & Disaster Management Department for providing a budgetary head in order to make necessary compensation to the petitioner.

5. It further appears that due to absent of such budgetary head, the compensation could not be granted to the petitioner.

6. In view of the above, this Court is of the considered view that this writ petition can be disposed of with a direction to the Revenue & Disaster Management Department to forward the case of the petitioner before the Finance Department for sanction.

7. Ordered accordingly.

8. Needless to clarify that the Revenue & Disaster Management Department shall forward the proposal within a period of 45 days from the date of receipt of the certified copy of this order and the Revenue & Disaster Management thereafter shall proceed in accordance with law within a period of 45 days.

JUDGE

Comparing Assistant