

GAHC010233342024



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

Case No. : WP(C)/5892/2024

NIBHAJYOTI DUTTA @ NIVAJYOUTI PHUKAN DUTTA
W/O- LATE DIGANTA DUTTA,
RESIDENT OF VILL.- MIRI PATHAR,
P.O.- DOIGRUNG, P.S.- GOLAGHAT,
DIST.- GOLAGHAT, ASSAM,
PIN- 785702.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
HOME AND POLITICAL DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED BY ITS MEMBER/SECRETARY AT GAUHATI HIGH COURT

OLD BUILDING
GUWAHATI

DIST.- KAMRUP(METRO)
ASSAM

PIN- 781001.

3:THE DISTRICT LEGAL SERVICES AUTHORITY
GOLAGHAT
REPRESENTED BY ITS MEMBER/ SECRETARY

P.O. AND P.S.- GOLAGHAT

DIST.- GOLAGHAT
ASSAM

PIN- 785621

Advocate for the Petitioner : MR. R Deka, S I AKAND

Advocate for the Respondent : GA, ASSAM, SC, ASLSA

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27.11.2024

Heard Mr. S.I. Akand, learned counsel for the petitioner. Also heard Ms. R.S. Chowdhury, learned Stranding Counsel, Assam State Legal Services Authority (ASLSA) and Mr. N. Goswami, learned Government Advocate, Assam for the respondent nos. 3 & 4.

2. The grievance of the petitioner is that in response to the appeal filed before the Assam State Legal Service Authority (ASALSA), no order has been passed by the said Authority and the appeal has been kept pending. The appeal was filed for enhancement of the claim which was awarded by the District Legal Services Authority, Galaghat. This Court by order dated 18.11.2024 directed the learned Standing Counsel, ASALSA, to obtain required instructions in the matter.

3. Today Ms. R.S. Chowdhury, learned Stranding Counsel, Assam State Legal Services Authority (ASLSA) has placed before the Court the order dated

26.11.2024 passed by the Member Secretary, Assam State Legal Services Authority, Guwahati and submits that the appeal has been disposed of and claims of the petitioner has been modified and enhanced to a fixed amount of Rs.5,00,000/- (Five Lakhs) and the District Legal Services Authority is directed to pass final orders relating to the enhancement of the compensation and take all required steps. Relevant portion of the order is extracted below:

“19. Since the impugned order is found suffering from infirmity as such the order is required to be modified to the extent of decision pertain to the quantum of compensation awarded which is less than the fixed amount of Rs.5,00,000/- in accordance with Notification No.PLA.524/2015/Pt/190 (ECF 38361) dated 01.02.2019, for the case of death, depicted in serial number 7.

20. As it revealed upon the record that the petitioner/appellant is residing within the jurisdiction of District Legal Services Authority, Golaghat, accordingly, the matter is hereby remanded to the District Legal Services Authority, Golaghat for passing a final order relating to the enhanced amount of compensation by affording reasonable opportunity of hearing to the petitioner/appellant in the light of observation made hereinabove.

21. The District Legal Services Authority, Golaghat shall complete this exercise expeditiously in accordance with the prescribed Rules as embodied under the Assam Victim Compensation Scheme, 2012 as amended up-to-date.”

4. In view of the order being passed and taking note of the limited prayer made in the writ petition, this Court is of the view that the appeal having been disposed of by the order dated 26.11.2024, no further claim survives in this writ petition. However, in view of the order dated 26.11.2024 passed by the ASLSA, the respondent no.3 will take all necessary steps to comply with the directions contained in the order dated 26.11.2024.

5. Copy of the order dated 26.11.2024 passed by the ASLSA, placed before the Court, is kept on record.

JUDGE

Comparing Assistant