

GAHC010238822023



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

Case No. : WP(C)/6327/2023

ABDUL JALIL
S/O- LT. MOJIBUR RAHMAN,
VILLAGE- LALI PATHAR (MARIADHAJ),
P.O.- BECHIMARI,
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 OF MOIRABARI POLICE STATION
P.O.- MOIRABARI
DIST.- MORIGAON

ASSAM
PIN- 782126.

6:THE CIRCLE OFFICER
DHING REVENUE CIRCLE
P.O.- DHING
DIST.- NAGAON

ASSAM
PIN- 782123

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 22.05.2024

Heard Mr. M.R. Khandakar, learned counsel for the petitioner. Also heard Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department appears for respondent No.1; Ms.A. Borthakur, learned counsel appears on behalf of Mr.P.Nayak, learned Standing Counsel, Finance for respondent No.2 and Ms. S. Baruah, learned Government Advocate for respondent Nos. 3 to 6.

2. The petitioner has approached this Court praying for a direction to the respondent authorities, more particularly, respondent No.3 to release the ex-gratia compensation amounting to Rs.2 lakhs due to the death of the father

(late Mojibur Rahman) of the petitioner in a road traffic accident, which occurred on 04.01.2020 at Moirabari Bazar (Moirabari PWD Road) as a result of the injuries sustained by him. It is submitted by the learned counsel for the petitioner that the Investigating Officer of Morigaon Police Station issued a police report dated 21.02.2020 in connection with Moirabari Police Station Case No.10/2020 under Section-279/338/304 of IPC and which reveals that the petitioner's deceased father namely, Lt. Mojibur Rahman died on 04.01.2020 at Moirabari Bazar (Moirabari PWD Road). The post mortem examination report dated 05.01.2020 conducted by Morigaon Civil Hospital opines that the death was caused due to shock and hemorrhage as a result of head injury sustained by the deceased father of the petitioner.

3. It is submitted by the learned counsel for the petitioner that the Government of Assam, Revenue and Disaster Management Department, Relief and Rehabilitation Branch, Dispur had issued a notification dated 15.11.2014 for providing an amount of Rs.2,00,000/- (Rupees two lakhs) only as ex-gratia grant to the next of kin of person killed due to an accident in public places or in public carriers. The petitioner has submitted a representation dated 15.03.2023 to the respondent No.3 praying for grant of Rs.2,00,000/- (Rupees two lakhs) only as per the Government notification dated 15.11.2014 but no steps has been taken till date. Being aggrieved, the present writ petition has been filed by the writ petitioner.

4. The learned counsels for the parties have been heard. Pleadings on record have been carefully perused.

5. From the case record, it is seen that the Registrar of Birth and Death, Moirabari Community Health Centre-cum-First Referral Unit had issued a Death Certificate dated 24.02.2020 which reveals that the petitioner's deceased father,

namely, Lt. Mojibur Rahman died on 04.01.2020. Under such circumstances, the Court is of the considered view that the writ petition can be disposed of by directing the respondent authorities to verify the claims of the petitioner for grant of ex-gratia compensation as per Govt. Notification dated 15.11.2014. Accordingly, the respondent No.3, namely, the Deputy Commissioner, Morigaon shall examine the claim of the petitioner for grant of ex-gratia compensation and if the claim is found to be genuine and payable, the proposal will be sent to the respondent No.1, namely, Secretary to the Government of Assam, revenue and Disaster Management Department, Relief and Rehabilitation Branch, Dispur and thereafter appropriate orders be passed within a period of 60 (sixty) days from the date of receipt of a certified copy of this order. Accordingly, the respondent No.3, namely, the Deputy Commissioner, Morigaon will complete the verification within 60 (sixty) days from the date of receipt of certified copy of this order and if found genuine will be forwarded thereafter to the respondent No.1, namely, Secretary to the Government of Assam, revenue and Disaster Management Department, Relief and Rehabilitation Branch, Dispur.

6. Writ petition stands disposed of in terms of the above. No order as to cost.

JUDGE

Comparing Assistant