

GAHC010239502024



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

Case No. : WP(C)/5999/2024

SMTI SAMI MURMU
W/O- LATE PRALAY HEMBROM, RESIDENT OF VILL.- GOURANGPUR,
PAKALAGI (F.V), P.O.- BISHMURI, P.S. AND DIST.- KOKRAJHAR, ASSAM,
PIN- 783370

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT, DISPUR,
GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GUWAHATI- 781006

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

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI- 781037

5:THE DISTRICT COMMISSIONER OF KOKRAJHAR DISTRICT
P.O. AND P.S. KOKRAJHAR
PIN- 783370

6:THE DIVISIONAL FOREST OFFICER
HALTUGAON DIVISION
P.O. AND P.S. KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM
PIN- 78337

Advocate for the Petitioner : S I AKAND, MS S R MAZARBHUIYA

Advocate for the Respondent : GA, ASSAM, SC, FOREST,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

18.11.2024

Heard Mr. S.I. Akand, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Addl. Senior Government, Assam and Mr. B. Gogoi, learned Standing Counsel, Finance for the respondent No. 3.

2. The petitioner is before this Court praying for grant of compensation for the death of her husband who killed by wild elephant. The incident took place on 06.02.2024. The claim of the writ petitioner is for compensation issued under the revised notification dated 06.03.2017.

3. Learned counsel for the petitioner submits that as per the serial no.1 in the notification dated 06.03.2017, the petitioner is entitled for grant of compensation of Rs. 4,00,000/- (Rupees four lakhs only). It is also submitted that the representation dated 07.06.2024 is filed before the Deputy Commissioner, Kokrajhar (BTR), Assam for grant of ex gratia relief to the petitioner. The said representation is stated to have been supported by the Police Report, Post Mortem Report, Death Certificate, Next-of-Kin Certificate and Aadhaar Card. Learned counsel for the petitioner submits that inspite of

representation having been filed, no order has been passed and the representation is stated to be pending till date.

4. The learned Addl. Senior Government Advocate, Assam, submits that the claim of the petitioner is to be examined and verified by the Deputy Commissioner, Kokrajhar, while calling for proper report and if it is found to be correct then the proposal to be forwarded to the Commissioner and Secretary to the Government of Assam, Environment and Forest Department and thereafter, the appropriate order shall be passed by the concerned Authority for grant of compensation if they deem it fit and proper

5. By taking into consideration of the submissions advanced by the learned counsel for the parties, this Court is of the view that the writ petition can be disposed of at this stage by directing the Deputy Commissioner, Kokrajhar to dispose of the representation dated 07.06.2024 as it is stated that the said representation is still pending before the Deputy Commissioner, Kokrajhar.

6. Accordingly, the writ petition is disposed of directing the Deputy Commissioner, Kokrajhar to examine the claims of the writ petitioner by calling for detailed report and thereafter, if the claim of the writ petitioner is found to be genuine, a proposal be prepared and sent to the Office of the Commissioner and Secretary to the Government of Assam, Environment and Forest Department for grant of compensation under the revised notification dated 06.03.2017.

7. This exercise be completed by the Deputy Commissioner, Kokrajhar within a period of 60 (sixty) days from the date of receipt of a certified copy of this order.

8. In the event the proposal for compensation is sent to the Office of the

respondent no.1, the said Department will consider the proposal as per law and pass appropriate order within a further period of 60 (sixty) days there from.

9. The petitioner will furnish a certified copy of this order along with the copy of the writ petition to the Deputy Commissioner, Kokrajhar for necessary order.

10. The writ petition stands disposed of in terms of the above observations and directions.

JUDGE

Comparing Assistant