

GAHC010243272023



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

Case No. : WP(C)/6394/2023

KHANDA RAM NARZARI
S/O LATE DAOBA NARZARI,
VILL-KHEWRGURI, BHERGAON,
P.O.-GORAIBARI, P.S.-UDALGURI (BTR),
DIST-UDALGURI (BTAD), ASSAM, PIN-784509

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GHY-6

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

3:THE DEPUTY COMMISSIONER
UDALGURI (BTR)
ASSAM PIN-784509

4:THE SUPERINTENDENT OF POLICE
UDALGURI (BTR)
ASSAM PIN-784509

5:THE CIRCLE OFFICER
UDALGURI (SADAR) REVENUE CIRCLE
P.S. AND DIST- UDALGURI (BTR)
ASSAM
PIN-78450

Advocate for the Petitioner : MR. W RAHMAN

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 18.07.2024

None appears for the petitioner when the matter is called. Heard Ms. U. Das, learned Addl. Senior Government Advocate for the State respondents. Also heard Mr. A. Chaliha, learned counsel for the respondent No. 2 and Mr. A. Bhattacharyya, learned Standing Counsel for the Revenue and Disaster Management Department.

2. By filing the instant writ petition under Article 226 of the Constitution of India, the petitioner is seeking direction for payment of an amount of Rs. 2 Lakh to the petitioner against the death of his brother in a road accident in terms of the notification dated 15.11.2014 issued by the respondent No. 1 (Commissioner & Secretary to the Government of Assam, Revenue & Disaster Management Department, (R & R) Branch, Dispur).

3. The case of the petitioner is that the brother of the petitioner, i.e., Unisha Narzari died on a road accident on 08.05.2022 on the Kahinala Udalguri Rowta road under Udalguri Police Station in the district of Udalguri, BTR, Assam. Accordingly, a case was registered as Udalguri P.S.U/D. Case No. 13/2022.

4. It is the specific case of the petitioner that since his brother died out in a motor vehicle accident in public area, he, being the next of keen of the deceased, is entitled to a relief of Rs. 2 Lakh as per the notification dated 15.11.2014 issued by the Government of Assam in this regard.

5. It is the further case of the petitioner that though a representation for financial assistance was submitted to the respondent authorities on 14.11.2022, no assistance has been received by the petitioner till date. Accordingly, the instant petition has been

filed.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. It appears from the affidavit-in-opposition filed by the respondent No. 3 on 21.05.2024 that provisional ex-gratia amount of Rs. 2 Lakh has been sanctioned in favour of the petitioner. Paragraph 4 of the aforesaid affidavit is reproduced hereunder for ready reference:-

“4. That with regard to the statements made in paragraph 9 of the petition, I say that the petition seeking Ex-Gratia grant against death of Lt. Unisha Narzari was received from Sri Khanda Ram Narzari, S/o Daobo Narzari, R/o vill- No 1 Bhergaon, PS- Udalguri on 17/03/2023 and the same was forwarded to Superintendent of Police, Udalguri seeking detailed report of the accident & Circle Officer, Udalguri Revenue Circle, Udalguri seeking Next of Kin details of the deceased. The required information have been received from SP Udalguri & CO Udalguri Revenue Circle. On the basis of the reports received from the S.P. Udalguri & C.O. Udalguri Revenue Circle and in compliance with the Govt. Notification No. RR.33/2014/66, Dtd. 15/11/2014, provisional sanction for Rs.2,00,000/- (Rupees two lakhs only) in favour of Sri Khanda Ram Narzary, NOK of the deceased Lt. Unisha Narzary has been accorded by the undersigned and forwarded to the Revenue & Disaster Management Department, Govt. of Assam, Dispur, Guwahati- 06 for release of necessary fund. The sanctioned amount will be disbursed to the NOK immediately after receipt of necessary fund from Govt.”

8. Pertinent, that upon noting the aforesaid averments made in the said affidavit-in-opposition, this Court by order dated 26.06.2024 directed the Standing Counsel, Revenue Department to obtain instructions as regards the status of the provisional sanction forwarded from the office of the District Administration.

9. Today, when the matter was called, Mr. A. Bhattacharyya, learned Standing Counsel, Revenue Department submits on instructions that the process for payment of the aforesaid ex-gratia amount of Rs. 2 Lakh has already been initiated and he accordingly made an endorsement to that effect.

10. In view of the aforesaid endorsement, this Court is of the considered view that this writ petition can be disposed of with a direction to the respondents to pay the aforesaid ex-gratia amount of Rs. 2 Lakh as sanctioned to the petitioner within a period of two months from the date of receipt of a certified copy of this order.

11. Ordered accordingly.

12. Registry is directed to inform the petitioner by e-mail as well as by post as regards the order of this Court.

13. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant