

GAHC010247652024



undefined

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

Case No. : WP(C)/6241/2024

MUNMI DAS
W/O- LATE PRANJAL DAS, R/O- VILL.- GONDHMOW (BANGLAGHULI), P.O.
GONDHMOW, P.S. SUALKUCHI, DIST. KAMRUP, ASSAM, PIN- 781103.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DISPUR, GUWAHATI-6.

2:PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-06.

3:THE DISTRICT COMMISSIONER
KAMRUP
AMINGAON
GUWAHATI
ASSAM-781039.

4:THE ZONAL MANAGER OF LIC
LIFE INSURANCE OF INDIA (LIC)
HINDUSTHAN BUILDING
4
C.R. AVENUE
KOLKATA- 700072.

5:THE GENERAL MANAGER
LIC
GUWAHATI DIVISIONAL OFFICE

S.S. ROAD
FANCY BAZAR
GUWAHATI
ASSAM-781001.

6:THE BRANCH MANAGER OF LIC
MALIGAON BRANCH
MALIGAON CHARIALI
P.O. GUWAHATI
KAMRUP(M)
MALIGAON-781011

Advocate for the Petitioner : MD B ISLAM, MR. S S AHMED,MR. S UDDIN,MS. J AHMED

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.11.2024

Heard Md. B. Islam, learned counsel for the petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no.2 and Mr. S. Baruah, learned Government Advocate, Assam.

2] Considering the limited prayer of the writ petitioner, the writ petition is taken up for disposal at the motion stage itself without issuing any notice to the respondents.

3] The petitioner is before this Court praying for grant of compensation for the death of her husband. The petitioner's husband was missing since

19.04.2020 and accordingly, she informed the Jalukbari Police outpost on 20.04.2020. On 23.04.2020 his dead body was recovered at K-Digi Brahmaputra river under Kachumara Police Station of Barpeta and after post-mortem of body it was found that the cause of death was due to drowning. Accordingly, the petitioner being next of kin submitted a representation to the District Commissioner, Kamrup, Amingaon on 24.07.2023 seeking compensation. Learned counsel for the petitioner submits that as per the serial no.3 in the notification dated 15.11.2014, the petitioner is entitled for grant of compensation of Rs. 2,00,000/- (Rupees two lakhs only). Learned counsel for the petitioner further submits that inspite of representation having been filed, no order has been passed and the representation is stated to be pending till date.

4] Mr. S. Baruah, learned Government Advocate, Assam submits that the claim of the petitioner is to be examined and verified by the District Commissioner, Kamrup, Amingaon, by 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, Department of Revenue and Disaster Management 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] The Notification dated 15.11.2014 issued by the Revenue and Disaster Management Department contains a beneficial scheme for grant of *ex gratia* amounts to the Next-of-Kin of the deceased person, who die under certain circumstances, including accident in public places or in public carriers (other than killed by extremist/terrorist/miscreants and due to the firing of security forces) as mentioned in the said notification. Clause-3 of the said notification provides as follows:

“3. Ex gratia to the NOK of person killed due to accident in public places or in public carriers (other than killed by extremist/terrorist/miscreants and due to the firing of security forces).”

6. As far as *ex gratia* amount in respect of a person killed due to accident in public place or in public carriers (other than killed by extremist/terrorist/miscreants and due to the firing of security forces) is concerned, a sum of Rs.2,00,000/- has been notified to be paid to the NOK of such person killed in the said notification.

7. Since the limited prayer of the petitioner is only to consider her case as per the Notification dated 15.11.2014 issued by the Revenue and Disaster Management Department, this Court is of the view that the writ petition can be disposed of at this stage by directing the District Commissioner, Kamrup,

Amingaon to dispose of the representation dated 24.07.2023 as the same is still pending before the District Commissioner, Kamrup, Amingaon. Accordingly, the writ petition is disposed of directing the District Commissioner, Kamrup, Amingaon 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, Department of Revenue and Disaster Management Department for grant of compensation under the notification dated 15.11.2014. This exercise be completed by the District Commissioner, Kamrup, Amingaon within a period of 90 (ninety) days from the date of receipt of a certified copy of this order. In the event, the proposal for compensation is sent to the Office of Commissioner and Secretary to the Government of Assam, Department of Revenue and Disaster Management Department, the said Department will consider the proposal as per law and pass appropriate order within a further period of 60 (sixty) days there from.

8] The petitioner will furnish a certified copy of this order along with the copy of the writ petition to the District Commissioner, Kamrup, Amingaon for necessary order.

9] The writ petition stands disposed of in terms of the above observations

and directions.

JUDGE

Comparing Assistant