

GAHC010251732024



undefined

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

Case No. : WP(C)/6592/2024

MAIKAU MURMU
W/O LATE LAKHIRAM TUDU, R/O VILL- BASHBARI (F.V.), HARINAGURI,
P.O.-SIMBARGAON, 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 GOVERNMENT 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 (BTR)
ASSAM
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 : MS S R MAZARBHUIYA, S I AKAND

Advocate for the Respondent : SC, FOREST, SC, FINANCE, SC, BTC

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 09.12.2024

Heard Mr. S. I. Akand, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam appearing for the respondent.

2. The petitioner is before this Court praying for grant of compensation for the death of her husband who sustained grievous injuries attacked by the wild Elephant and thereafter, because of the injuries sustained, he expired on spot. The incident took place on 25.10.2022 at Dawaguri paddy field. The claim of the writ petitioner is for compensation under the Govt. notification dated 06.03.2017. It is submitted that the petitioner is entitled for grant of compensation of Rs. 4,00,000/- (Rupees four lakhs only) in terms of the said notification. It is submitted that the representation dated 01.08.2024 is filed before the District Commissioner, Kokrajhar for grant of ex gratia relief to the petitioner. Learned counsel for the petitioner submits that inspite of representations having been filed, no order has been passed thereon and the representations are stated to be pending till date.

3. Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam submits that the claim of the petitioner is required to be examined and verified by the District Commissioner, Kokrajhar, while calling for proper report and if it is found to be correct then the proposal should 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.

4. The learned counsel for the parties have been heard. The pleadings on record including the notification dated:- 06.03.2017 have been carefully perused. By taking into consideration of the submissions advanced by the learned counsel for the parties and the notification dated:- 06.03.2017, this Court is of the view that the writ petition can be disposed of at this stage by directing the District Commissioner, Kokrajhar to dispose of the application dated 01.08.2024 as it is stated that the representations dated 01.08.2024 are still pending before the District Commissioner, Kokrajhar. Accordingly, the writ petition is disposed of directing the District 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, Department of Revenue and Disaster Management Department for grant of compensation under the notification dated 06.03.2017. This exercise be completed by the District Commissioner, Kokrajhar 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 the respondent no.1, namely, the 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.
5. The petitioner will furnish a certified copy of this order along with the copy of the writ petition to the District Commissioner, Kokrajhar for necessary order.
6. The writ petition stands disposed of in terms of the above observations and directions.

JUDGE

Comparing Assistant