

GAHC010261252017



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

Case No. : WP(C)/1294/2017

RAHUL AMEEN
S/O- LT. ABDUL MANNAN, R/O- KALOGHAT, P.S.- MANKACHAR, DIST.-
DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY- 6.

2:THE COMMISSIONER AND SECY.TO THE GOVT. OF ASSAM
DEPTT. OF HOME AND POLITICAL
DISPUR
GHY- 6.

3:THE SUPERINTENDENT OF POLICE
DHUBRI
DIST.- DHUBRI
ASSAM.

4:THE OFFICER-IN-CHARGE
AMPOTI POLICE STATION
SOUTH WEST GARO HILLS
MEGHALAYA

Advocate for the Petitioner : MS.M AHMED

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

27.05.2024

Heard Mr. G.J. Sharma, learned counsel for the petitioner. Also heard Mr. B.J. Talukdar, learned Senior Counsel and Additional Senior Government Advocate assisted by Mr. P.K. Medhi, learned counsel for the respondents.

2] This writ petition is filed by the petitioner praying for adequate compensation in terms of the OM dated 05.03.2016 read with the provision of Assam Victim Compensation Scheme of 2012 for the death of the father of the petitioner. It is submitted that on 30.05.2015 the father and son of the petitioner went to their farm situated at Kumaligaon about 9 AM and from there, they went on missing. On the next day, the petitioner received a phone call from an unknown mobile number and a demand of Rs.1 Crore was made as ransom for release of his son and father. The petitioner lodged the FIR before the concerned Police Station. Sometime thereafter he was asked to go to Garobadha where he found his father lying dead due to gunshot injury. His son is yet to be recovered. Since his father died of gunshot injury admittedly committed by miscreants, the petitioner approached the authority concerned praying for adequate compensation in terms of the OM dated 05.03.2016. His

prayer for compensation has not been redressed in spite of the representation filed and therefore, the petitioner is before this Court.

3] This Court had issued notice on 06.03.2017. However, no affidavit has been filed by the respondent authorities.

4] Today also when the matter was called up, Mr. B.J. Talukdar, learned Senior Counsel and Additional Senior Government Advocate submits that the instructions have not been received.

5] Considering the fact that the matter is pending since 2017 and the prayer of the writ petitioner is for grant of compensation under the OM dated 05.03.2016 has not been redressed, this Court is of the view that the matter need not be kept pending any further for want of instructions from the respondents. Accordingly, the Deputy Commissioner, Dhubri is directed to make necessary enquiry into the alleged incident in which the late father of the petitioner was shot dead by the miscreants. The Deputy Commissioner, Dhubri will make a detailed enquiry calling for reports from the concerned Superintendent of Police and other competent authorities, if required. Upon such enquires being undertaken, if it is found that the petitioner's father was killed by miscreants and he had succumbed due to gunshot injuries, the Deputy Commissioner, Dhubri will forward a proposal to the Commissioner and

Secretary to the Department of Revenue and Disaster Management for grant of adequate compensation in terms of the OM dated 05.03.2016 read with the provisions of Assam Victim Compensation Scheme of 2012. Thereafter, the Commissioner and Secretary, Department of Revenue and Disaster Management, will further examine the matter and pass appropriate order on the said proposal as forwarded from the Office of the Deputy Commissioner for release of compensation as may be found to be payable in terms of the OM dated 05.03.2016. While passing this order, this Court has also taken note of the police report enclosed to the writ petition which *prima facie* suggests that the father of the petitioner died due to gunshot injuries.

6] As directed above, the Deputy Commissioner, Dhubri will conduct and complete the enquiry within a period of 60 (sixty) days from the date of receipt of a certified copy of this order. Upon such enquiry being conducted by the Deputy Commissioner, Dhubri, if the report suggests that the claims of compensation of the writ petitioner are made out and compensation is payable in terms of the OM dated 05.03.2016 read with the provisions of Assam Victim Compensation Scheme of 2012, then the appropriate proposal shall be forwarded to the Office of the Commissioner and Secretary to the Department of Revenue and Disaster Management within the period of 60 (sixty) days as specified. The Office of the Commissioner and Secretary to the Department of

Revenue and Disaster Management, upon receipt of any such proposal that may be forwarded by the Deputy Commissioner, Dhubri will pass appropriate orders thereon within a further period of 45 (forty five) days for allowing or rejecting the proposal as per the provision of law.

7] In terms of the above, the writ petition stands disposed of .

Interim order, if any, stands merged.

JUDGE

Comparing Assistant