

GAHC010262512023



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

Case No. : WP(C)/6821/2023

BIMALA NATH
W/O- LT. HEMA KANTA NATH, VILL- HALDHA, P.O. BURAH, P.S. SIPAJHAR,
DIST.- DARRANG, ASSAM PIN- 784145

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM, REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DISTRICT COMMISSIONER
KAMRUP (R)
ASSAM
P.O. AND P.S. AMINGAON
DIST.- KAMRUP (R)
ASSAM
PIN- 781031

4:THE DISTRICT COMMISSIONER
DARRANG ASSAM
P.O. AND P.S. MONGOLDAI
DIST.- DARRANG
ASSAM
PIN- 784145

5:THE CIRCLE OFFICER

SIPAJHAR REVENUE CIRCLE
P.O. AND P.S. SIPAJHAR
DIST.- DARRANG
ASSAM
PIN- 784145

6:THE SUPERINTENDENT OF POLICE
KAMRUP (R)
ASSAM
DIST.- KAMRUP (R)
ASSAM
PIN- 781031

7:THE OFFICER-IN-CHARGE
BAIHATA CHARIALI POLICE STATION
P.O. BAIHATA CHARIALI
DIST.- KAMRUP (R)
ASSAM
PIN- 78138

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

14.06.2024

Heard Mr. M. Hussain, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate, Assam, Ms. G. Hazarika, learned Standing Counsel, Revenue (Relief and Rehabilitation) & Disaster Management Department and Mr. A. Chaliha, learned Standing Counsel, Finance Department.

2] The petitioner is before this Court praying for grant of compensation for the death of her husband who expired on 01.07.2022 due to the injury

sustained by the her husband in a motor vehicular accident occurred on 24.05.2022 at Shalmara under Baihata Chariali Police Station. The claim of the writ petitioner is for compensation issued under the notification dated 15.11.2014. 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). It is also submitted that the representation dated 11.07.2023 is filed before the respondent no.3, namely, the District Commissioner, Kamrup(R) for grant of *ex gratia* relief to the petitioner. 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.

3] Ms. S. Baruah, learned Government Advocate, Assam, submits that the claim of the petitioner is to be examined and verified by the respondent no.3, namely, the Deputy Commissioner, Kamrup(R), while calling for proper report and if it is found 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.

4] 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, Kamrup(R) to dispose of the representation dated 11.07.2023 as it is stated that the representation dated 11.07.2023 is still pending before the Deputy Commissioner, Kamrup(R). Accordingly, the writ petition is disposed of directing the Deputy Commissioner, Kamrup(R) 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 Deputy Commissioner, Kamrup(R) within a period of 60 (sixty) 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 Deputy Commissioner, Kamrup(R) for necessary order.

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

JUDGE

Comparing Assistant