



\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: February 20, 2024*

+ **W.P.(C) 6380/2018**

PRAKASH KAUR & ANR

..... Petitioners

Through: Mr. Gurmit Singh Hans,
Ms. Somya Chugh and
Mr. Nishu Bhudiraja,
Advocates with petitioners in
person.

versus

STATE (GOVERNMENT OF NCT DELHI)
& ANR) & ANR

..... Respondents

Through: Mr. Sameer Vashisht, ASC
(Civil), GNCTD with
Mr. Vedansh Vashisht and
Ms. Sanjana Nangia,
Advocates.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. The present writ petition is filed under Articles 226/227 of the Constitution for issuance of directions to the respondents to release the compensation (ex-gratia) amount to the next kins of the victims of 1984 Sikh riots.
2. The petitioners stated that they are the children of late Teja Singh, who was having two sons and one daughter from his two



marriages. The first wife had died leaving behind the petitioner no. 1, who at that time was only three years old and from the second wife, late Teja Singh was having two sons including the petitioner no. 2 and late Ranjeet Singh.

3. The petitioners during the riots happened in the year 1984, lost their brother, namely, Ranjeet Singh, who was born from the second wife of late Teja Singh. The petitioners not only lost Ranjeet Singh but also lost Manjeet Kaur, wife of Ranjeet Singh and their two sons, namely, Master Paramjeet Singh and Master Saranjeet Singh in the 1984 riots. Accordingly, the petitioners are the surviving next kins of late Ranjeet Singh.

4. The respondent no. 1 has sanctioned ex-gratia amount of Rs.10,000/- per loss of life to the surviving family members of each riot victim and the said amount was subsequently enhanced to Rs.20,000/-. The Government of India on 16.01.2006 through the Ministry of Home Affairs, informed the Govt. of NCT of Delhi for payment of ex-gratia amount of Rs.3.5 lacs in each case of death during the riots and the said amount was in addition to the amounts already paid by the respective State Governments. Attar Kaur, the



mother of the petitioner no. 2 had died before ex-gratia amount was disbursed to the kins of the persons who died during the riots. The petitioners as such applied for grant of ex-gratia amount on behalf of their mother Attar Kaur on account of death of their brother Ranjeet Singh and his family members before the respondent no. 2/Sub-Divisional Magistrate.

5. There was a dispute between the petitioners and due to which, they filed separate applications before the respondent no. 2. The respondent no. 2 considering the dispute between the petitioners, refused to release the compensation amount as such, the petitioner no. 1 filed the writ petition bearing no. 6082/2007 and the said writ petition was referred to Delhi High Court Mediation and Conciliation Centre and out of settlement dated 15.02.2008, the petitioners have decided to distribute the ex-gratia amount in the ratio of 1:3, which means that the petitioner no. 1 has agreed to take one part of the ex-gratia amount and the petitioner no. 2 has agreed to take two parts of the ex-gratia amount. Accordingly, the ex-gratia amount was paid to the petitioners in respect of Ranjeet Singh and his two sons, namely, Master Paramjeet Singh and Master Saranjeet Singh. However, the



ex-gratia amount in respect of Manjeet Kaur, who was the wife of Ranjeet Singh, could not be granted after the demise of mother of the petitioners. It is also stated that in the year 2016, the additional payment of ex-gratia amount of Rs.5,00,000/- was announced in each case of death during the riots. Accordingly, the petitioners are also jointly entitled for ex-gratia amount of Rs.5 lacs in respect of death of Manjeet Kaur during the riots, which was not granted to the petitioners. Being aggrieved, the petitioners filed the present petition with the following prayers:-

- a) Issue a writ of mandamus or any other appropriate writ, directing the Respondent no.2 that the ex-gratia compensation be awarded not according to the personal laws but equitably to the next of kins.
- b) Issue an appropriate writ directing the Respondent no.2 for proper apportionment of the ex-gratia compensation amount in respect of the deaths of the victims between the Petitioners as the two are the siblings of the victim family.
- c) Cost of the writ petition be also awarded to the Petitioners against the Respondents.
- d) Issue any other writ, other which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case .

6. The respondents filed the short affidavit in response to the petition wherein it is stated that the ex-gratia amount of Rs.8,50,000/- in respect of late Manjeet Kaur needs to be disbursed between the



petitioners in accordance with the ratio of the judgment and order dated 04.07.2007 passed by this court in writ petition bearing no. 10254/2006 titled as **Ganny Kaur V State (NCT) & Ors.** wherein it was held that the ex-gratia amount should be distributed equitably to the next of kins. However, it is mentioned that in the case of the present petitioners, ex-gratia amount in respect of the deceased brother of the petitioners and two children have already been received by them in the ratio of 1:3 in view of the Settlement Agreement dated 05.02.2008 as such, the ex-gratia amount in respect of death of Manjeet Kaur be also given to the petitioners in the ratio of 1:3. The relevant portion of the short affidavit is reproduced as under:-

6. It is humbly and most respectfully submitted that the ex-gratia compensation in respect of the late Manjeet kaur has not been given to anyone and an amount of Rs.8,50,000/-, needs to be disbursed to the Petitioners in accordance with the ratio of the Judgment and Order dated 04.07.2007, passed by this Hon'ble Court, in Writ Petition No. 10254/2006 in re.: Ganny Kaur vs. the State (NCT) & Ors, wherein this Hon'ble Court has gone onto hold that ex-gratia compensation is Indis awarded by the State governed by the Principles enshrined in the Constitution of India, in particular Article 21 of the Constitution and should be distributed equitably to the next of the kin. However, in the instant case, in view of the fact that ex-gratia compensation in respect of the deceased brother of the Petitioners and his



two children has already been received by them in the ratio of 1:3 in view of the Settlement Agreement dated 05.02.2008, it would be in the fitness of things that the balance ex-gratia compensation amount pertaining to the demise of their sister-in-law namely Manjeet Kaur wife of Ranjeet Singh also be apportioned in the same proportion. An important fact which needs to be taken into consideration while such apportionment takes place is whether the late Manjeet Kaur has a maternal family which may also stake claim to the compensation amount with respect to their late daughter, her late husband and her two late sons. A copy of the Judgment and Order dated 04.07.2007, passed by this Hon'ble Court, in Writ Petition No. 10254/2006 in re.: Ganny Kaur vs. the State (NCT) &Ors. is annexed herewith and marked as Annexure SA-1.

7. It is reflecting that the petitioners have accepted the ex-gratia amount in the ratio of 1:3 in respect of death of their brother and two children in view of the Settlement Agreement dated 05.02.2008. The counsel for the petitioners stated that the petitioners have now agreed to divide the ex-gratia amount in respect of late Manjeet Kaur in equal proportion. It is relevant to mention that the Settlement Agreement dated 05.02.2008 does not include the proportion of disbursement of the ex-gratia amount in respect of late Manjeet Kaur. Accordingly, the respondent no. 1 is directed to release the ex-gratia amount of Rs.8.5 lacs to the petitioners in equal proportion in place of 1:3 as decided in view of the Settlement Agreement dated



05.02.2008, preferably, within a period of one month, subject to the completion of required formalities.

8. The present petition stands disposed of.

9. *Dasti.*

DR. SUDHIR KUMAR JAIN
(JUDGE)

FEBRUARY 20, 2024

N/SD