

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) PIL No.9711 of 2012

Keluni Dei and another

....

Petitioners

Mr. Dillip Kumar Mohapatra, Advocate

-versus-

State of Orissa and others

....

Opposite Parties

Mr. Janmejaya Katikia, Additional Government Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

01.08.2022

Order No.

09.

1. The basis for the Petitioners to come to this Court is that Petitioner No.1's husband was killed in an unfortunate incident that occurred during a procession organized on 16th November, 2011 by the "Biju Worker's Union" for the inaugural function of such Union at Paradip. When the procession was passing through Kujanga bazar at around 11.30 AM, one Subash Rout and others were launching crackers with iron launchers and one of those crackers exploded in the vehicle and in turn hit the crackers loaded in the gunny bag, as a result of which, gunny back kept in the TATA-407 vehicle exploded. Eight drum beaters sustained severe burnt injuries.

2. There were four injured person, who ultimately succumbed to their injuries and the Petitioner No.1's husband was one of them. It is sought to asserted in para 7 of the petition that the Collector had

sanctioned Rs.10,000/- from the “Red Cross Fund” and recommended for sanction of ex-gratia amount.

3. This however denied by Opposite Parties in their reply to para 7 of the writ petition. The other allegation that because “persons in power” are involved, no investigation is happening is also denied. It is stated that an FIR has been registered in P.S. Case No.323 of 2011 at the Kujanga P.S. under Section 304/337/338 read with Section 34 IPC, Section 3 of the Indian Explosive Substance Act and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It appears that the principal accused has been arrested but has since been enlarged on bail. Another co-accused was arrested on 6th June, 2012 and released on bail. The status of the trial is not known.

4. Considering that the victim is a Scheduled Caste, a direction is issued to the Collector, Jagatsinghpur to examine the case of the Petitioners, who belong to SC community in light of the SC and ST (POA) Act and the Rules made thereunder and if there is a scheme of compensation providing for monetary relief and other rehabilitation relief to the Petitioners, appropriate orders should be passed thereunder. This exercise be completed within a period of eight weeks from today.

5. The Petitioners will remain present before the Collector, Jagatsinghpur on 5th September, 2022 at 11 AM along with certified

copy of this order. The Collector will then examine their case and pass appropriate orders within a period of four weeks thereafter and in any event, not later than 1st November, 2022 and inform them of the decision within a week thereafter.

6. The writ petition is disposed of in the above terms.

7. A copy of this order be sent by the Registry to the Collector, Jagatsinghpur for compliance.

M. Panda

