

08.08.2025

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Ct.No.7
sdas

WPA No. 3427 of 2018

Sk. Ayub Ali
Vs.
The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Kartik Das
.....for the petitioner

Mr. Lalit Mohan Mahata, learned AGP
Mr. Prasanta Behari Mahata
..... for the State

The present writ petition has been preferred alleging inaction on the part of the District Magistrate, Purba Medinipur, in considering the petitioner's representation dated 16th January, 2018.

Mr. Haque, learned Advocate representing the petitioner, submits that the petitioner's son, who was the sole earning member of the family, died due to sunstroke on 30th May, 2014. He further submits that, in accordance with the policy adopted by the State of West Bengal, the next of kin of a person who dies due to sunstroke is entitled to receive an ex-gratia grant. He also submits that a representation was made to the competent authority requesting the release of the ex-gratia grant in favour of the petitioner. However, despite receipt of such representation, the same was left unattended. This continued inaction has prompted the petitioner to prefer the present writ petition. He prays

for a direction upon the concerned respondents to consider the petitioner's representation and take a decision thereon.

Mr. Mahata, learned Additional Government Pleader representing the State, submits that if the issue is remitted to the concerned respondents with a direction to consider the same, the State will not stand in the way.

Heard the learned Advocates representing the respective parties and perused the materials on record.

A report submitted by the Medical Officer, Purba Medinipur District Hospital, Tamluk (Annexure "P-1" to the writ petition) indicates that one Abdul Rahaman, the petitioner's son, died due to sunstroke. As noted earlier, the petitioner submitted a representation seeking ex gratia grant following the death of his son due to sunstroke. The concerned District Magistrate, upon receipt of such representation, cannot remain inactive or sit tight over the matter for an indefinite period.

In view thereof, the writ petition is disposed of by directing the respondent no. 2, the District Magistrate, Purba Medinipur, to consider and dispose of the petitioner's representation after affording the petitioner an opportunity of hearing. If respondent no. 2 finds that the petitioner's claim deserves acceptance, appropriate follow-up action shall be taken, which may

include the release of the ex-gratia grant in favour of the petitioner. If, however, respondent no. 2 finds that the petitioner's contention is without substance, a reasoned order shall be passed and communicated to the petitioner.

Entire exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)