

GAHC010289502025



2026:GAU-AS:1751

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

Case No. : WP(C)/356/2026

MONOWAR HUSSAIN
S/O LATE MOKDEM ALI, VILL. KABAITARY PART I, P.S. JOGIGHOPA, DIST.
BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI- 06

2:THE DISTRICT COMMISSIONER
BONGAIGAON
ASSAM
PIN-

3:THE SUB-DIVISIONAL OFFICER (C)
NORTH SALMARA
ABHAYAPURI
DIST.- BONGAIGAON (ASSAM)
PIN

For the Petitioner(s) : Mr. A. Wahab, Advocate

For the Respondent(s) : Mr. S.S. Roy, Govt. Advocate
Ms. G. Hazarika, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 09.02.2026

Heard A. Wahab, the learned counsel appearing on behalf of the petitioner. Mr. S.S. Roy, the learned Government Advocate appears on behalf of the District Administration and Ms. G. Hazarika, the learned Standing Counsel appears on behalf of the Revenue and Disaster Management Department of the Government of Assam.

2. The present writ petition has been filed challenging the impugned communication dated 28.05.2025, whereby the respondents rejected the claim for ex-gratia payment on account of the death of the petitioner's father on 13.05.2010, due to lightning.

3. The pleadings in the instant writ petition, along with the documents enclosed therewith, show that on 13.05.2010 at around 6:00 P.M., the petitioner's father was struck by lightning while sitting at his home and was taken to Chalantapara Hospital. The petitioner's father expired thereafter. On the basis of the said incident, an FIR was lodged on 14.05.2010 before the Officer-in-Charge, Jogighopa Police Station. A post-mortem examination was conducted and the post-mortem report also reveals that the death occurred on account of lightning

(thundering).

4. No material has been placed on record to show that there was any scheme at the time of the death of the petitioner's father which provided ex-gratia payment in cases of death due to lightning. However, by way of a Notification dated 26.06.2015, it was notified that in the 6th meeting of the State Disaster Management Authority held on 19.05.2015, the Governor of Assam was pleased to declare Erosion, Storm, and Lightning as State-Specific Disasters.

5. The petitioner initially sought compensation by submitting an application on 19.07.2010. As the said application was not considered, the petitioner filed a writ petition which was registered and numbered as WP(C) No. 2547/2012. The learned Coordinate Bench of this Court vide an order dated 19.02.2019 disposed of the said writ petition by giving an opportunity to the petitioner to submit a representation and directing the respondents to dispose of the same within a period of 2 (two) months from the date of receipt of such representation. It appears that the petitioner thereupon filed a contempt application which was registered and numbered as Cont.Cas(C) 676/2019. The said contempt application was closed vide an order dated 13.08.2025 in view of the communication dated

28.05.2025 whereby the petitioner's representation was rejected. The petitioner has therefore assailed the communication dated 28.05.2025 by way of the present writ petition.

6. This Court has duly perused the said communication dated 28.05.2025. The reason, for which, the petitioner's representation was rejected was on account of the death having occurred in 2010 and death due to lightning was not covered under SDRF at that relevant point of time.

7. The petitioner has not placed on record in the instant proceedings any scheme which at the time of the death of his father provided ex-gratia compensation in cases of death due to lightning. Rather, a perusal of Annexure-6 to the writ petition i.e. the Notification dated 26.06.2015 shows that only with effect from the said Notification was lightning brought within the fold of State-Specific Disasters.

8. Under such circumstances, this Court does not find the present writ petition to be a fit case for entertaining. Accordingly, the writ petition stands dismissed.

JUDGE