

GAHC010046272024



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

Case No. : Cont.Cas(C)/124/2024

SUFIA KHATUN @ SUFIA BEGUM
W/O- LATE MAHAMMAD ALI, R/O- VILL.- BHOWKAMARI, P.O.
KAYAKUCHI, P.S. AND DIST. BARPETA, ASSAM, PIN- 781352.

VERSUS

GYANENDRA DEV TRIPATHI AND ANR
THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
REVENUE (RELIEF AND REHABILITATION BRANCH) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI, PIN- 781006.

2:AAYUSH GARG
THE DISTRICT COMMISSIONER OF BARPETA DISTRICT
ASSAM
P.O. SANTINAGAR
P.S. BARPETA
PIN- 781301

Advocate for the Petitioner : MR. R Deka, S I AKAND

Advocate for the Respondent : MR. K GOGOI,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

26.11.2024

Heard Mr. S.I. Akand, learned counsel for the petitioner. Also heard Mr. S. Baruah, learned counsel appearing on behalf of Mr. K. Gogoi for the respondent No.2.

This Court by order dated 21.04.2023 passed in WP(C) No. 4342 of 2020 had disposed of the said writ petition was disposed of with the following direction:

10. Taking an overall view of the submissions advanced by the learned counsel for the parties and the rationale behind the policy so formulated, this Court is of the considered view that instead of keeping the writ petition pending for any further period, waiting for responses from the respondents, the same can be disposed of as the claim for relief in the form of ex gratia to the petitioner in this writ petition as sole Next of Kin or/one of the Next of Kins [NoKs] of the person killed in a road traffic accident, the facts of which are briefly narrated above, is to be verified and considered first at the end of the jurisdictional Deputy Commissioner. After such verification and consideration of all relevant aspects including the three aspects, as highlighted by the learned counsel for the State respondents, by calling for reports from the other concerned authorities, wherever necessary, the proposal can thereafter, be forwarded by the jurisdictional Deputy Commissioner along with his report, to the Commissioner and Secretary to the Government of Assam, Revenue & Disaster Management Department for release of ex gratia amount in terms of the Notification dated 15.11.2014, if the petitioner is found entitled to receive the same. The Commissioner and Secretary to the Government of Assam, Revenue & Disaster Management Department can thereafter, sanction the quantum of relief for disbursal to the petitioner and/or any other Next of Kins [NoKs] found entitled, in terms of the Notification dated 15.11.2014. It is accordingly ordered. The entire exercise in respect of the case involved in this writ petition should be completed by the above respondent authorities within a period of 3

[three] months from the date of receipt of a certified copy of this order by the office of Deputy Commissioner, Barpeta along with a copy of the writ petition with the annexures, from the petitioner. The petitioner is directed to submit a copy of the Next of Kin [NoK] certificate along with a certified copy of this order, as directed above. The petitioner and/or the other Next of Kins [NoKs] of the deceased person, if any, is/are directed to extend her/their assistance and cooperation during the process of such verification and shall furnish the relevant information/documents, available at her/their disposal, to facilitate the process of verification, as and when asked for."

After issuing notice, the respondents have placed before the Court an order being No. BDM-165/2020/73-A dated 12.03.2024 in respect of grant of ex-gratia amount to the petitioner namely Sufia Khatun @Sufia Begum. Copy of the said sanctioned order is placed before the Court. The amount has been shown to be sanctioned in respect of the petitioner also indicating the bank account number.

Since the sanctioned amount of Rs. 2 Lac ex-gratia has been issued to the petitioner, this Court is of the view that direction issued by order dated 21.04.2023 passed in WP(C) 4342 OF 2020 has been complied with, the contempt petition stands closed.

The notices issued are re-called.

The communication placed before the Court is kept as a part in the case record.

JUDGE

Comparing Assistant