

GAHC010024442025



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

Case No. : WP(C)/883/2025

ASHALATA ADHIKARY
W/O- LATE KAMALA KANTA ADHIKARY, VILL.- DAKHIN KACHAKHANA,
P.S. TAMARHAT, DIST. DHUBRI, ASSAM, PIN- 783334.

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GHY-6.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6.

3:THE DIRECTOR GENERAL OF
CIVIL DEFENCE AND COMMANDANT GENERAL OF HOME GUARDS
ASSAM
BELTOLA
GUWAHATI-28.

4:THE COMMANDANT
1ST ASSAM SPECIAL RESERVE FORCE
BN. BARJHAR
NALBARI
ASSAM

5:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA

GHY-29.

6:THE TREASURY OFFICER
NALBARI
ASSAM

7:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
PIN- 783101.

8:THE SUB-DIVISIONAL MAGISTRATE
DHUBRI
ASSAM
PIN- 783101.

9:THE CIRCLE OFFICER
GOLOKGANJ REVENUE CIRCLE
GOLOKGANJ
DHUBRI
ASSAM
PIN- 783334.

10:JONAKI ADHIKARY
VILL.- BARJHAR
P.O. BARAMA
P.S. AND DIST. NALBARI
ASSAM
PIN- 781371

Advocate for the petitioner(s): Mr. HR Ahmed

Advocate for the respondent(s): Mr. JK Goswami, Govt. Advocate, Assam

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

05.02.2026

Heard Mr. HR Ahmed, the learned counsel appearing on behalf of the petitioner. I have also heard Mr. JK Goswami, the learned Addl. Senior Govt. Advocate, Assam who appears on behalf of the respondent Nos.1, 3, 4, 7, 8 and 9; Mr. RK Talukdar, the learned counsel who appears on behalf of respondent No.5; Mr. A Chaliha, the learned counsel who appears on behalf of respondent Nos.2 and 6 and Mr. SR Barbhuiyan, the learned counsel, who appears on behalf of respondent No.10.

2. The present writ petition has been filed by the petitioner being aggrieved by the non-issuance of the Next of Kin Certificate by the respondent No.9 and the resultant delay in finalization of the family pension to which the petitioner is entitled to upon the death of the petitioner's husband on 05.05.2014.

3. The materials on record show that on account of the husband of the petitioner marrying the respondent No.10 during the subsistence of the marriage with the present petitioner, a dispute arose as regards the issuance of the Next of Kin Certificate in favour of the petitioner. However, the said dispute had already been set at rest by the order dated 03.09.2024 passed by the respondent No.8.

4. Under such circumstances, this Court finds no justification on the part of the respondent No.9 not to issue the Next of Kin Certificate including the names of the petitioner, her daughter as well as the children born out of the wedlock of the husband of the petitioner with the respondent No.10.

5. Taking into account the above, this Court directs the respondent No.9 to provide the Next of Kin Certificate to Mr. JK Goswami, the learned Addl. Senior Govt. Advocate, Assam who represents the respondent No.9 in the instant

proceedings and the said Next of Kin Certificate be placed before this Court on the next date fixed i.e. 02.03.2026.

6. On the next date so fixed, this Court shall on the basis of the Next of Kin Certificate pass appropriate directions for the finalization of the family pension.

7. A copy of this order be furnished to Mr. JK Goswami, the learned Addl. Senior Government Advocate, Assam for due compliance.

8. List the matter on 02.03.2026.

JUDGE

Comparing Assistant