

GAHC010051502026



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

Case No. : WA/170/2026

1.DHANADA DAS AND 5 ORS
W/O LATE DHANJIT DAS, RESIDENT OF VILL- BANGSHIBARI PATHAR,
P.O.- KATAJHAR, P.S.- GOBARDHANA, DIST- BAKSA, ASSAM, PIN- 781315

2: PURNIMA DAS
D/O LATE DHANJIT DAS RESIDENT OF VILL- BANGSHIBARI PATHAR
P.O.- KATAJHAR P.S.- GOBARDHANA DIST- BAKSA ASSAM
PIN- 781315 (BEING MINOR REPRESENTED BY APPELLANT NO. 1)

3: JANMONI DAS
D/O LATE DHANJIT DAS RESIDENT OF VILL- BANGSHIBARI PATHAR
P.O.- KATAJHAR P.S.- GOBARDHANA DIST- BAKSA ASSAM
PIN- 781315 (BEING MINOR REPRESENTED BY APPELLANT NO. 1)

4: DISHA DAS
D/O LATE DHANJIT DAS RESIDENT OF VILL- BANGSHIBARI PATHAR
P.O.- KATAJHAR P.S.- GOBARDHANA DIST- BAKSA ASSAM
PIN- 781315 (BEING MINOR REPRESENTED BY APPELLANT NO. 1)

5: PRABHAT DAS
S/O LATE KAMAL DAS RESIDENT OF VILL- BANGSHIBARI PATHAR
P.O.- KATAJHAR P.S.- GOBARDHANA DIST- BAKSA ASSAM PIN- 781315

6: SUCHILA DAS
W/O SRI PRABHAT DAS RESIDENT OF VILL- BANGSHIBARI PATHAR
P.O.- KATAJHAR P.S.- GOBARDHANA DIST- BAKSA ASSAM PIN- 78131

VERSUS

1.THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DISTRICT COMMISSIONER OF BAKSA DISTRICT
AT MUSHALPUR ASSAM P.O. AND P.S.- MUSHALPUR PIN- 781373

3:THE CIRCLE OFFICER
JALAH REVENUE CIRCLE
P.O.- JALAH P.S.- GOBARDHANA DIST- BAKSA ASSAM PIN-781327

4:THE OFFICER-IN-CHARGE
GOBARDHANA POLICE STATION
P.O.- GOBARDHANA DIST- BAKSA ASSAM PIN- 78131

For the Appellant(s) : Mr. R. Deka, Advocate.

For the Respondent(s) : Ms. N. Bordoloi, Standing Counsel, Revenue Department.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

03.06.2026

(Ashutosh Kumar, CJ)

We have heard Mr. R. Deka, learned Advocate for the appellants and Ms. N. Bordoloi, Standing Counsel, Revenue Department.

The appellants, who are the wife, children and parents of late Dhanjit Das, have questioned the judgment dated 10.02.2026 passed by a learned Single Judge of this Court in WP(C) No.6979/2021, whereby, their claim for being paid the *ex-gratia* relief on account of late Dhanjit Das having died in a road accident in the year 2019, has been rejected.

It appears that the accident took place on 27.11.2019 on a public road in the district of Baksa. Late Dhanjit Das was hit by a speeding tractor from behind, as result of which, he died instantaneously, which fact is confirmed in the postmortem report.

The family of late Dhanjit Das/appellants sought relief of ex-

gratia payment of Rs.2,00,000/- on the strength of a Notification of the Government issued in the year 2014, which allowed for grant of such *ex-gratia* payment in cases of death due to accident in public places or by public carriers.

When the authorities did not accede to such a request, the appellants preferred the writ petition, referred to above, which was rejected.

The learned Single Judge, by referring to the judgment of this Court passed in ***Monisa Khatun @ Monisha Khatun -Vs- State of Assam & Ors. (WP(C) No.2700/2023, dated 21.06.2024)***, held that in the present case, since the offending vehicle was identified and a case had already been registered, which would be examined by the Motor Accident Claims Tribunal (MACT), there was no occasion for the Court to direct for grant of any *ex-gratia* relief.

We, while going through the judgment, contemplated whether the proceedings in the Motor Accident Claims Tribunal would be time taking and whether any payment of *ex-gratia* relief would bail out the family from the sudden crisis on account of the death of the bread earner in that accident. However, considering the fact that under the Motor Vehicles Act, there is a provision for *interim* relief to the aggrieved party, we conclude this appeal by suggesting to the appellants to approach the Motor Accident Claims Tribunal (MACT) for *interim* relief, in case so deemed necessary, where a bigger amount than what is demanded by them could be granted to them under the No-Fault Liability.

This appeal stands disposed off with the afore-noted observation.

JUDGE

CHIEF JUSTICE

Comparing Assistant