

GAHC010066162023



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

Case No. : WP(C)/2051/2023

CAPT. RAKESH KUMAR DAS
S/O- SURENDRA NATH DAS, R/O- HOUSE NO. 22, WARD NO. 56, SUGAM
PATH, BYE LANE NO. 1, PATORKUCHI, BASISHTHA CHARIALI, GUWAHATI-
781029, ASSAM

VERSUS

THE GOVT. OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF ASSAM, CHIEF
SECRETARY OFFICE, GOVT. OF ASSAM, BLOCK-C, 3RD FLOOR, JANATA
BHAWAN, DISPUR, GUWAHATI-781006, ASSAM

2:THE PRINCIPAL SECRETARY
WPT AND BC DEPARTMENT
GOVT. OF ASSAM
BLOCK-D
3RD FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI-781006
ASSAM

3:THE DIRECTOR

DIRECTORATE OF WELFARE OF SCHEDULED CASTES
GOVERNMENT OF ASSAM
HOUSEFED COMPLEX
BLOCK-02
2ND FLOOR
LASTGATE
GUWAHATI-781006
ASSAM

4:THE DEPUTY COMMISSIONER

KAMRUP METRO DISTRICT
ASSAM
LICHUBAGAN
HENGRABARI
GUWAHATI-781036
ASSAM

5:THE DIRECTOR GENERAL OF POLICE

ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-781007
ASSAM

6:THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
GOVT. OF INDIA
DEPARTMENT OF SOCIAL JUSTICE EMPOWERMENT
SHASTRI NAGAR
NEW DELHI.

7:THE NATIONAL COMMISSION FOR SCHEDULED CASTES

GOVT. OF INDIA
NEW DELHI

Advocate for the Petitioner : MRS. A GAYAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

04.08.2023

Heard Mr. S. Banik, learned Legal Aid Counsel appearing for the writ petitioner.

Also heard Mr. D. Sarmah, learned Additional Sr. Govt. Advocate, Assam

appearing for the respondent Nos.1, 4 and 5. Mr. K. Gogoi, learned Central

Govt. Counsel is present on behalf of respondent Nos.6 and 7.

By filing this writ petition, the petitioner, who is a pilot holding a Commercial Pilot's Licence, has approached this Court seeking compensation for a sum of Rs.532.08 Crores.

The first objection of the learned State counsel appearing in this case is on account of the fact that under Article 39A of the Constitution of India the writ petitioner was not entitled to the assistance of a free legal aid counsel.

Secondly, a claim for payment of monetary compensation on the grounds stated in the writ petition cannot be entertained in a writ petition filed under Article 226 of the Constitution of India.

In so far as the second objection is concerned, the same will be considered as and when a proper affidavit questioning the maintainability of the writ petition is brought on record. In so far as the objection raised as regards the entitlement of the petitioner to be represented by a free legal aid counsel, Registry to verify and list the matter along with appropriate note indicating the criteria that has been followed and the circumstances under which the services of a free legal aid counsel has been provided to the petitioner. The note will also indicate if the petitioner is entitled to the service of a free legal aid counsel under the law. Let the matter be listed again after four weeks by reflecting the name of Mr. S. Banik in the Cause List.

JUDGE

Comparing Assistant