

GAHC010068132025



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

Case No. : WP(C)/1891/2025

KAMALA MEDHI
W/O-LATE PRABHAT MEDHI,R/O-VILL-2 NO. BARTALA,P.O-BARTALA,P.S-
MUKALMUA,DIST-NALBARI,ASSAM,PIN-781138

VERSUS

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

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNEMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR GUWAHATI-06.

3:THE DISTRICT COMMISSIONER OF NALBARI DISTRICT
ASSAM
P.O AND P.S- NALBARI
PIN-781335

4:THE CIRCLE OFFICER
BARKHETRI REVENUE CIRCLE
P.O AND P.S- MUKALMUA
DIST-NALBARI
ASSAM-781126

5:THE OFFICER IN CHARGE
MUKALMUA POLICE STATION
P.O-MUKALMUAH
DIST-NALBARI
ASSAM

PIN-78112

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

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC, FINANCE,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

05.03.2026

Heard Shri. S.I. Akand, learned counsel for the petitioner. Also heard Shri. H. Sharma, learned Additional Senior Government Advocate and Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department.

The claim in this writ petition is for *ex-gratia* payment for the death of the husband of the petitioner in a road traffic accident. It is contended that the vehicle could not be identified and the petitioner has relied upon a notification dated 15.11.2014, which has been clarified vide a notification dated 31.10.2023. By this clarificatory notification, it has been stated that victims of hit and run cases not travelling in vehicle shall be entitled to such ex-gratia payment.

This Court has however noted that under Section 161 of the Motor Vehicles Act, 1988 provides for payment of compensation in a situation of hit and run and in accordance with the said Section, the Compensation to Victims of Hit and Run, Motor Accidents Scheme, 2022 has been framed.

This Court has also noticed that the amount provided is the same, namely Rs 2 lakhs.

In view of the above, the petitioner is required to file an additional affidavit undertaking that a parallel claim under the Motor Vehicles Act and the Scheme shall not be made in the event the petition is allowed.

List the matter on 26.03.2026.

JUDGE

Comparing Assistant