

GAHC010145402024



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

Case No. : WA/258/2024

MONISA KHATUN @ MONISHA KHATUN
W/O- LATE RAHUL HOQUE, VILL.- BHAKUAMARI, P.O. SAPATGRAM, P.S.
GOSSAIGAON, DIST. KOKRAJHAR, BTR, ASSAM, PIN- 783337.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (RELIEF AND REHABILITATION) AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM
P.O. P.S. AND DIST. BONGAIGAON
ASSAM
PIN- 783380.

3:THE DEPUTY COMMISSIONER
KOKRAJHAR
BTR
ASSAM
P.O. P.S. AND DIST. KOKRAJHAR
BTR
ASSAM
PIN- 783370.

4:THE CIRCLE OFFICER
DOTMA REVENUE CIRCLE
P.O. DOTMA
P.S. GOSSAIGAON
DIST. KOKRAJHAR

BTR, ASSAM
PIN- 783360.

5:THE SUPERINTENDENT OF POLICE
BONGAIGAON
P.O. P.S. AND DIST. BONGAIGAON
ASSAM
PIN- 783380.

6:THE OFFICER-IN-CHARGE
ABHAYAPURI POLICE STATION
P.O. ABHAYAPURI
DIST. BONGAIGAON
ASSAM
PIN- 783384

For petitioner/appellant(s) : Mr. M. K. Choudhury, Sr. Advocate
Mr. M. Hussain, Advocate

For respondent(s) : Mr. A. Bhattacharya, Advocate
Mr. R.K. Borah, Addl. Sr. GA, Assam

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MRs. JUSTICE ARUN DEV CHOUDHURY

19.08.2025

(Ashutosh Kumar, CJ)

We have heard Mr. M. K. Choudhury, learned Senior Advocate for the appellant, and Mr. A. Bhattacharya, learned Advocate for the respondent No. 1.

By the impugned judgment, the claim of the appellant for receiving ex-gratia payment from the government on account of accidental death of her husband has been rejected.

Mr. Choudhury, learned Senior Advocate has pointed out that the husband of the appellant died in a motor accident which took place on 06.05.2021, with respect of which an FIR was registered and a Motor Accident Claim case has also been filed on behalf of the appellant. Be that as it may, the next kith and kin of the deceased would

be entitled to be paid ex-gratia payment of Rs. 2 Lakh by virtue of a notification dated 15.11.2014, issued by Government of Assam, Revenue and Disaster Management Department, Relief and Rehabilitation Branch.

The afore-noted notification provides that ex-gratia relief shall be granted in respect of persons, who are killed/injured due to extremist violence/terrorist violence/acts of miscreants/ communal violence/ ethnic violence/group clash/ firing of security forces/ accidents, etc., who were kidnapped/ abducted by extremist/terrorist/ miscreants and whose dwelling houses are fully burnt/ damaged whether due to acts of extremist/terrorist/miscreants or during communal violence/ethnic violence/group clash. The notification also lists the revised rates of ex-gratia amounts applicable in cases of incidents which may have occurred in the State as on or after the date of issuance of the notification in supersession of the previous notification issued in that regard.

Thus, for the appellant, the notification which was applicable and extant at that point of time is the notification dated 15.11.2014.

Clause 3 of the notification provides that ex-gratia payment would be given to the next kith of the persons who were killed due to accident in public places or in public carriers (other than killed by extremist/terrorist/miscreants and due to the firing of security forces). Thus, the notification clearly stipulates that accidental deaths, if occurring in public places, would form a category for which the government has notified the scheme for grant of ex-gratia compensation.

Mr. Choudhury, learned Senior Advocate for the appellant, however, grieves that the judgment impugned has considered this notification in an incorrect perspective by holding that the entitlement for ex-gratia payment in cases of accident in public places has to be read *ejusdem generis* with the act of violence/terrorist violence/acts of miscreants/communal violence/ethnic violence/group clash/firing of security forces/accidents, etc. excepting hit and run accident.

The afore-noted reading of the notification in question by the learned Single Judge is, according to Mr. Choudhury, questionable.

Though in supersession of the notification dated 15.11.2014, referred to above, the government has come up with another notification dated 31.10.2023, wherein cases of victims of motor accidents have been excluded from the benefit of ex-gratia payment by the government, but for hit and run cases and third party (not travelling in the vehicle), the scheme is applicable.

The State to respond to the afore-noted submissions made on behalf of the appellant.

Re-notify on **09.09.2025**.

JUDGE

CHIEF JUSTICE

Comparing Assistant