

GAHC010199662021



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

Case No. : WP(C)/6474/2021

PHIRUSH DAIMARI
S/O LT. AJANTI DAIMARY, R/O VILL. CHAMTABARI, P.O. SASTRAPARA, P.S.
AND DIST. UDALGURI, BTC (BTR), ASSAM, PIN 784509

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, FINANCE DEPTT., ASSAM, DISPUR, GUWAHATI 781006

2:THE CHIEF SECY. TO THE GOVT. OF ASSAM

DISPUR
GUWAHATI 781006

3:ADDITIONAL CHIEF SECY. REVENUE AND DISASTER MANAGEMENT
DEPTT

DISPUR
GUWAHATI 6

4:THE DEPUTY COMMISSIONER

UDALGURI
B.T.C. (BTR) ASSAM
PIN 784509

5:THE DEPUTY COMMISSIONER

DARRANG
MANALDOI
PIN 784125

6:THE BODOLAND TERRITORIAL COUNCIL

REPRESENTED BY THE PRINCIPAL SECY.
KOKRAJHAR
BTAD (BTAR)
ASSAM
PIN 78337

Advocate for the Petitioner : MR. R M CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

06-12-2021

Heard Mr. R. M. Choudhury, learned counsel for the petitioner and Ms. M. Barman, learned Government Advocate, Assam for the respondent Nos. 2 & 5. Also heard Mr. B. J. Talukdar, learned standing counsel, Revenue and Disaster Management Department for the respondent No. 3 and Ms. R. B. Borah, learned Standing counsel, BTC for the respondent Nos. 4 & 6.

No representation on behalf of the respondent No. 1 though the name of the Standing counsel, Finance Department has been reflected in the cause list.

Petitioner's mother Ajanti Daimari was killed by the Bodo Extremist on 22.12.1993 at Udalguri Weekly Market. Petitioner being the Next of Kin of the deceased, earlier got Ex-gratia compensation of Rs. 1,00,000/-.

The State Government in the Revenue and Disaster Management Department, Relief and Rehabilitation Branch issued a Notification vide No. RR. 33/2014/66 dated 15.11.2014 whereby it has enhanced such ex-gratia compensation to Rs. 5,00,000/- to the Next of Kin of the deceased.

Hence, petitioner is claiming an additional amount of Rs. 5,00,000/- in terms of the said Notification dated 15.11.2014.

Issue notice returnable by **27.01.2022**.

As Ms. M. Barman, learned Government Advocate, Assam ; Mr. B. J. Talukdar, learned standing

counsel, Revenue and Disaster Management Department and Ms. R. B. Borah, learned Standing counsel, BTC have accepted the notices on behalf of the respondent Nos. 2 to 5; 3 and 6 respectively, no formal notice need to be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition including the annexures appended thereto to Ms. Barman, learned Government Advocate, Assam; Mr. Talukdar, learned standing counsel, Revenue and Disaster Management Department and Ms. Borah, learned Standing counsel, BTC by tomorrow i.e., 07.12.2021, obtaining necessary acknowledgment from them in that regard.

Pendency of this writ petition shall not be a bar for the respondents to grant enhanced Ex-gratia compensation payable to the petitioner due to the killing of his mother by extremist in terms of the Notification dated 15.11.2014 as per his entitlement, following the due procedure and in accordance with law, if there is no other impediment in granting the said enhanced amount to him deducting the amount already paid to him for the said purpose.

List accordingly.

JUDGE

Comparing Assistant