

GAHC010207692023



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

Case No. : WP(C)/5410/2023

JOHN L PASULATE
S/O- BINAY PASULATE, VILL. HATIKHALI, MAIBONG, P.S. AND P.O.
MAHUR, DIST.- N.C. HILLS (ASSAM), PIN. NO. 788819

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (R AND R) AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GHY-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6

3:THE DEPUTY COMMISSIONER
N.C.HILLS
ASSAM
PIN NO. 788831

4:THE POLICE OFFICER IN-CHARGE OF MAHUR POLICE STATION
N.C. HILLS
ASSAM
PIN NO.- 78881

Advocate for the Petitioner : MD A ISLAM, MR. M HUSSAIN

Advocate for the Respondent : GA, ASSAM, SC, REVENUE,SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

19.03.2026

Heard Shri A. Islam, learned counsel for the petitioner. Also heard Shri N. Goswami, learned State Counsel and Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department.

2. The claim is with regard to *ex-gratia* payment. For ready reference, the relief sought for in this petition reads as follows:

“In the premises aforesaid it is most respectfully prayed that Your Lordships would be pleased to admit this petition, call for the records, issue notices upon the respondents to show cause as to why a writ of Mandamus should not be issued directing the respondents to pay the of an additional ex-gratia amount of Rs. 2,00000/ (Two lakhs) only for each deceased to the petitioners and also provide sufficient facilities to rehabilitate the petitioners family in terms of the Notification dated 22-06-2004 and Notification dated 29-07-2013 in pursuance of the Judgment & Order dated 09-06-2010 passed in W.P. (c) No. 3355/2010 and other connected cases and / or cause or causes being shown and upon hearing the parties be pleased to make the Rule absolute by providing complete and adequate relief to the petitioners and / or pass such order or orders as Yours Lordships may deem fit and proper.

-AND-

Pending disposal of the writ petition there shall not be any bar to pay the ex-gratia to the petitioner through the Registry of this Court in the interest of
justice.

And for this act of kindness, the petitioner as in duty bound shall ever pray."

3. As per the facts projected, the petitioner's husband was killed by extremist. There is however a major difference in the date of such death. While in the synopsis, the date of the death has been stated to be 04.03.1999, in paragraph 2 of the petition, the date has been corrected by hand as 27.05.2005 without any endorsement.

4. This Court has also noted that in paragraph 2, it has been stated that the husband of the petitioner was killed whereas in the affidavit, the petitioner is the deponent who describes himself to be the son of one Binay Pasulate. In paragraph 2, it has also been stated that the husband of the petitioner was killed by extremist and earlier *ex-gratia* amount was paid to Smt. Anima Deb.

5. Apart from the aspect of approaching this Court after an inordinate delay of more than 2 (two) decades which is unexplained, the petition has been presented with facts which are wholly inconsistent. It clearly shows a callous manner of presenting a petition to invoke the jurisdiction of this Court under Article 226 of the Constitution of India whereby the entire sanctity and sacrosanctity of the Court proceeding has been soiled.

6. This Court is of the opinion that no relief of any nature is entitled to by the petitioner and accordingly, the writ petition is dismissed.

JUDGE

Comparing Assistant