

GAHC010262372023



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

**Case No. : WP(C)/6732/2023**

MONI BORO  
W/O- LATE ANIL BORO, R/O- VILL.- PUB BORAGAON, MILANPUR PATH,  
P.O. BORAGAON, P.S. GARCHUK, GUWAHATI, DIST. KAMRUP(M), ASSAM,  
PIN- 781035.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, REVENUE (RELIEF AND REHABILITATION  
BRANCH) AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,  
GUWAHATI-781006.

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

3:THE DISTRICT COMMISSIONER  
KAMRUP METRO  
GUWAHATI  
ASSAM  
HENGRABARI  
LECHUBAGAN  
PIN- 781036.

4:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
NEAR DGP OFFICE  
ULUBARI

GUWAHATI  
DIST. KAMRUP (METRO)  
ASSAM  
PIN- 781007.

5:THE OFFICER-IN-CHARGE  
GARCHUK POLICE STATION  
P.O. GARCHUK  
GUWAHATI  
DIST. KAMRUP(M)  
ASSAM  
PIN- 781035

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

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

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

**ORDER**

**19.03.2026**

Heard Shri S.I. Akand, learned counsel for the petitioner. Also heard Shri J. Handique, learned State Counsel and Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department.

2. Considering the facts and circumstances and also the aspect that the issue has been decided by a Co-Ordinate Bench, this matter is taken up for disposal at the admission stage.
3. The matter is with regard to a claim for *ex-gratia* of Rs.2,00,000/- (Rupees Two Lakhs) in terms of a notification dated 15.11.2014.
4. It is contended by Shri Akand, the learned counsel for the petitioner that the husband of the petitioner, Anil Boro had died on 17.08.2019 in a road traffic accident which had occurred on 15.08.2019.

5. Notice was issued in this case on 20.12.2023.
6. The learned counsel for the petitioner has however fairly informed this Court that in the meantime, the issue was taken up for consideration by a Coordinate Bench in the case of **Monisa Khatun @ Monisha vs. State of Assam** [WP(C)/2700/2023] in which vide judgment and order dated 21.06.2024, the learned Co-ordinate Bench has held that since a statute, namely, the Motor Vehicles Act, 1988 provides for an alternative remedy to seek compensation, a parallel claim would not be maintainable for a case of death in a motor accident.
7. For ready reference, the relevant observations are extracted herein below.

*“16) The question is whether petitioner is entitled for ex gratia compensation under notification dated 15.11.2014, when just and fair compensation for accident involving motor vehicle accident can be otherwise claimed before the Motor Accident Claims Tribunal.*

*17) The notification dated 15.11.2014, envisaging grant of compensation is found to be relatable to provide ex gratia and financial assistance to the persons who were killed/ injured due to extremist violence/terrorist violence/ acts of miscreant/ communal violence/ ethnic violence/ group-clash/ firing of security forces/ accident, etc., who were kidnapped/ abducted by the 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. Therefore, accident must be in connection with acts committed by extremist, terrorist, or miscreants, or accidents arising out of group clash, communal violence, and ethnic violence. The said notification dated 15.11.2014, cannot be read as if all persons suffering from any accident*

*except hit and run case where the offending vehicle remain unidentified in the Final Form after police investigation, would become entitled to ex gratia where other statutory remedy is available.”*

8. This Court is of the view that there is no reason to defer with the aforesaid findings.

9. Accordingly, the instant petition stands dismissed, however with liberty to the petitioner to approach the appropriate MAC Tribunal, if not done in meantime.

**JUDGE**

**Comparing Assistant**