

(2017) 09 MEG CK 0011
In the Meghalaya High Court
Case No : 153 of 2016

The Relief Demand Committee, Rishubelpara, North Garo Hills, Meghalaya Represented by its President, Shri. Nalendra Chandra Rabha

APPELLANT

Vs

The State of Meghalaya, Represented by its Chief Secretary, Government of Meghalaya, & Ors.

RESPONDENT

Date of Decision : 20-09-2017

Acts Referred:

[Constitution of India](#), [Article 226](#) -
Power of High Courts to Issue certain writs

Citation : (2017) 09 MEG CK 0011

Hon'ble Judges : S.R.Sen

Bench : Single Bench

Advocate : S.R. Rabha, K.P.Bhattacharjee

Final Decision : Allowed

Judgement

1. Heard Mr. S.R.Rabha, learned counsel on behalf of the petitioner as well as Mr. K.P.Bhattacharjee, learned State counsel on behalf of the

respondents.

2. The petitioner's case in a nutshell is that:

That the present petition under Article 226 of the Constitution of India is being filed challenging, inter alia, the unreasonable, arbitrary

and discriminatory action on the part of the respondent authorities in the matter of payment of compensation for loss of handloom and

veterinary in the ethnic clash between the two communities of Garo and Rabha in January 2011. Briefly stated, there was an ethnic

clash between the aforesaid two communities in January 2011 in which immense loss both economical and social was suffered by the

persons living in the locality especially the members of the petitioner committee. On the intervention of various civil society groups and

the State Governments of both Assam and Meghalaya, the volatile situation was diffused and by the lapse of time, peace returned

back to the areas. As regards the compensation in the nature of ex-gratia which was to be paid for the losses/damages suffered

during the aforesaid clash, the State Government had prepared rates for various items. As per the aforesaid rates, assessment has

been made and a proposal for payment of compensation was prepared which itself is at a very conservative estimate. However

ignoring the aforesaid proposal, even the said amount was not paid and instead of that, a lump sum amount of Rs. 10,300/- has been

paid to the members of the petitioner committee. The aforesaid action of payment of a lump sum amount without any application of

mind with regard to the nature of the damages suffered by each of the members is wholly unreasonable and arbitrary as it ignores the

assessment made by the State authorities. Further, certain members of the petitioner No.1 committee were not paid at all in spite of

suffering loss. The effort of the petitioner committee in approaching the State Government has not yielded any positive results.

Therefore the present writ petition.

3. Mr. S.R.Rabha, learned counsel for the petitioner submits that after the ethnic clash between the Garo and the Rabha communities in the year

2011, both the communities suffered huge loss and damages to their properties as well as their livestock. He further submits that an assessment

was done to determine the extent of the loss and damages, but unfortunately, payment has not been paid as per the assessment made by the

Government, hence this instant writ petition praying for necessary direction.

4. On the other hand, Mr. K.P.Bhattacharjee, learned State counsel submits that the Government have given compensation in different categories,

such as; CGI Sheets, damages to horticultural crops, loss of agricultural produce, loss of livestock and poultry for the ethnic clash between the

Garo and Rabha communities in the year 2011. So, as per the submission of learned State counsel, the Government had given necessary

compensation as applicable.

5. After hearing the submissions advanced by the learned counsels for the parties, I am of the considered view that since the assessment has been done by the State Government officials and they themselves have decided the quantum of loss and damages which is reflected in Annexure -IV of the writ petition, in such circumstances, they are entitled to the amount which has already been assessed by the State Government and the Government cannot derail from their own assessment. They should remember that these are victims of an ethnic clash and it is the duty of the State to protect the lives and properties of the people and if the Government fail to do so, they should pay the necessary compensation. Therefore, it is hereby ordered that the damages which have been assessed as reflected in Annexure - IV of the writ petition should be paid to the victims, minus the compensation which has already been paid. At the same time, learned counsel for the petitioner also brought to the notice of the Court that some of the victims of the ethnic clash have not received any compensation, in such a case, they should also be assessed and adequate compensation should be paid.

6. Learned counsel for the petitioner is directed to make a proper list of the victims who have suffered during the ethnic clash as well as those who have not received any compensation at all as per the assessment. He should place the same along with Annexure -IV and a copy of the judgment and order of this Court before the Deputy Commissioner concerned. The government is directed to make payments as per the assessment done and this whole exercise should be completed within a month from the date of this judgment and order.

7. With this observation and direction, the writ petition is allowed to that extent and stands disposed of.