

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.135 of 2014

In

Civil Writ Jurisdiction Case No. 7197 of 2010

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1. The State of Bihar.
 2. The District Magistrate, West Champaran at Bettiah,
 3. The Circle Officer, Champatia Circle, West Champaran,
 4. The Mukhiya, Gram Panchayat Raj Bakulahar, P.O.- Bakulahar Math, District- West Champaran.
 5. The Hulka Karamchari, Gram Panchayat Raj Bakulahar, P.O.- Bakulahar Math, District- West Champaran.

.... Petitioner/s

Versus

1. Sarfaraj Mian, son of Reyajuddin Mian.
2. Mojamil Mian, son of late Nathuni Mian.
3. Kulsum Khatoon, wife of Abdul Wahab.
4. Molajim Mian, son of Late Nathuni Mian.
5. Saiyad Mian, son of late Maula Mian.
6. Mostt. Janbibbi, wife of Late Mokim Mian.
7. Baskarim Mian, son of Late Qurban Mian.
8. Sakoor Mian, son of Late Aliser Mian.
9. Miajan Mian, son of late hadish Mian.
10. Md. Hoda, son of late Mohamad Jan Mian.
11. Ashma Khatoon, wife of Jainuddin Mian.
12. Mustafa Mian, son of Jainuddin Mian.
13. Sagir Mian, son of Late Nabul Mian.
14. Halima Khatoon, wife of Md. Ibrahim.

All are residents of village- Chhardewali, P.O.- Bakulahar, P.S.- Gopalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kinkar Kumar, SC-27
Mr. Mahboob Ashraf, AC to SC-27

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 24-06-2015

Heard Mr. Kinkar Kumar, learned Standing Counsel
no.27 for the petitioners.

This application has been filed for review of the
judgment and order dated 29.9.2011 passed by this Court in
CWJC No.7197 of 2010.



Apart from the fact that the review application has been luxuriously filed after an unexplained delay of three years since passing of the order by this Court in the writ petition, even otherwise there is no ground made out by the petitioner-State requiring review of the order passed in the writ petition.

Out of the 14 writ petitioners, the writ court in consideration of the recommendation of the Committee as well as the Circle Officer found the claim of petitioner nos.2, 3, 4, 5, 7 and 11 to be genuine and entitled to the benefit under the *Mukhya Mantri Awas Yojana* initiated by the State in the year 2008 to provide relief to the victims of flood fury in the various districts. Since the case of these writ petitioners had been duly recommended by the Flood Relief Anushrawan Samiti –cum- Vigilance Committee, Gram Panchayat Raj, Bakulahar as well as the Circle Officer, Chanpatiya that this Court directed for payment of the relief amount to these six writ petitioners out of the 14 writ petitioners within three months of the receipt/production of the order. The review application has been relying upon a letter dated 15.6.2009 of the Principal Secretary, Disaster Management Department to submit that the scheme ended on 15.6.2009 and thus the writ petitioners have belatedly approached this Court and are not entitled to any relief.

I have heard learned counsel for the petitioners and I have perused the records.

That the six writ petitioners, namely, petitioner nos.2, 3, 4, 5, 7 and 11 were found entitled to the flood relief amount is not in dispute rather the State as a review petitioner has chosen to deny the reliefs on the ground of delay. The delay in disbursement of relief is by the State itself. The State thus cannot be permitted to take refuge under the cover of delay to deny the reliefs to these petitioners who were found entitled to the same. Even otherwise neither any such objection was taken by the State during the course of hearing of the writ petition nor do I find anything present in the order dated 15.6.2009 which would disentitle the six writ petitioners of the relief granted by this Court.

For the reasons aforementioned I find no substantial ground warranting review of the order dated 29.9.2011 passed by this Court in CWJC No.7197 of 2010 and this review application is accordingly dismissed.

(Jyoti Saran, J)

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