

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19795 of 2011

=====

1. Pankaj Singh Son Of Kapildeo Singh Resident Of Village - Ganga Prasad, Post Office - Amarpur, P.S. - Barauni, District - Begusarai

.... Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Patna Secretariat, Patna, Bihar
2. The Commissioner, Munger Division, Munger
3. The Collector, Lakhisarai, At + P.O.+ District - Lakhisarai
4. The District Magistrate, Madhepura
5. The Block Development Officer-Cum-Circle Officer, Barahiya (Lakhisarai)
6. The Officer-In-Charge, Disaster Management Branch Madhepura
7. The Principal Secretary, Deptt. Of Disaster Management, Govt. of Bihar, Patna.

.... Respondent

=====

Appearance :

For the Petitioner/s : Mr. Pramod Man Bansh

For the Respondent/s : Mr. V.M.K Sinha AAG13

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 13-10-2015

Heard.

The boat of the petitioner was compulsorily requisitioned by the respondents for use during the flood that ravaged few districts in the State in the year 2008. It is stated that under the order of the District Magistrate, Lakhisarai, the boat of the petitioner was taken control of by the respondents and sent to Madhepura. The boat has not been restored to the petitioner inasmuch neither the labour cost for using the boat nor rent thereof has been paid to the petitioner. In spite of several requests made in this regard when no heed was paid the petitioner filed this writ petition.



The counter affidavit filed on behalf of the respondent nos. 3 and 5 accepts the requisition and use of the boat of the petitioner in the flood relief operation. But the restoration thereof to the petitioner has not been indicated. It has been stated that on making enquiry the petitioner was found entitled to payment and a cheque for a sum of Rs. 13,635/- was forwarded to him in the year 2012 which has not been received by him. This Court by previous order had permitted the petitioner to receive the cheque if tendered after re-validation by the Block Development Officer-cum- Circle Officer, Barahiya. It has been submitted that the petitioner kept on pursuing the said officer for payment of the said amount which has not been paid to him.

Considering the fact that two districts are involved and both are under administrative control of the Government in the Department of the Disaster Management as also appreciation of diverse facts is involved, this Court permitted the petitioner to implead the Principal Secretary, Department of Disaster Management, Govt. of Bihar as respondent no.7 and dispose of the application by permitting the petitioner to make a detailed representation in this regard before the said respondent for consideration and redressal of his grievance. If any such application is filed within four weeks, the said respondent shall get appropriate enquiry made into the claim of

the petitioner and take appropriate decision and/or pass appropriate direction for payment of the admissible dues of the petitioner as quickly as possible preferably within a period of three months from the date of filing of the representation.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--