

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3561 of 2012

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1. Bindeshwar Sah S/O Late Chotan Sah, resident of Village-Gopalpur, Bishunpur, Katoodha, P.S.-Aurai, P.O.-Chandwara, District-Muzaffarpur
2. Kedar Sah S/O Ram Laxan Sah, resident of Village-Gopalpur, Bishunpur, Katoodha, P.S.-Aurai, P.O.-Chandwara, District-Muzaffarpur
3. Chandra Deo Mahto S/O Ram Laxan Sah, resident of Village-Gopalpur, Bishunpur, Katoodha, P.S.-Aurai, P.O.-Chandwara, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner, Tirhut Division, Muzaffarpur
2. District Magistrate, Muzaffarpur
3. Special Land Acquisition Officer, Rarwara, Muzaffarpur
4. Rehabilitation Officer, Bagmati Project, Sitamarhi
5. Assistant Engineer, Bagmati Project, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn, Advocate
For the Respondent/s : Mr. Biresh Kumar Singh, AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 22-09-2015 Heard the parties.

The petitioners have filed the present writ petition seeking a direction to the respondents to pay them compensation on account of damages caused to their lands and houses due to flood water logging.

Despite repeated queries, learned counsel appearing on behalf of the petitioners has not been able to show any policy decision or the rules which entitle them for compensation on account flood water logging.

A counter affidavit on behalf of the respondent no.3 has been filed disputing the entire claim of the petitioners. In paragraphs 5 and 10 of the aforesaid counter affidavit it has been stated that the claim of the petitioners was considered and it was found to be forged and fabricated one.

A copy of the aforesaid counter affidavit was served upon the learned counsel for the petitioners way back on 25.07.2012, but till date no reply affidavit has been filed controverting the averments made in the aforesaid counter affidavit.

In above view of the matter, this Court is of the opinion that no relief can be granted to the petitioners in the present proceeding filed under Article 226 of the Constitution of India, as the entire claim of the petitioners is based on disputed question of fact. The writ petition is devoid of merit. It is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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