

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14693 of 2010

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Md. Mobarak S/O Late Md. Ibrahim R/O Vill.- Shalpur, P.S.- Sabour,
Distt.- Bhagalpur, At Present R/O Vill.- Babura, P.S.- Ghoraiya, Distt.-
Banka Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary Government Of Bihar,
Patna
 2. The Commissioner Relief And Rehabilitation Department, Government
Of Bihar, Patna
 3. The Home Secretary, Govt. Of Bihar, Patna
 4. Divisional Commissioner, Bhagalpur Division, Bhagalpur
 5. District Magistrate, Bhagalpur
 6. Special Additional Collector, Bhagalpur Respondents
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Appearance :

For the Petitioner : Mr. Md.Sufiyan, Advocate

For the Respondents : Mr. (Aag9)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 05-01-2015 The petitioner claims that his wife Bibi Hena @ Jichhia D/o Md. Kalim was killed on 27.10.1989 during the communal riot at her native village Logain. He has prayed for quashing order dated 10.9.1990(Annexure 5) and 8.5.2010(Annexure 10), passed by the District Magistrate, Bhagalpur in DR case no. 314/90-91 as well as order dated 22.3.1991(Annexure 6), passed by the Commissioner, Bhagalpur, Division by which they have refused to pay *ex-gratia* compensation for her death in riot.

It appears from the impugned order that the compensation has been refused mainly on three grounds, namely, (a) Bibi Hena @ Jichhia at the time of marriage was

minor and did not have any association with the petitioner (b) claim for compensation was earlier rejected by the District Magistrate vide his order dated 10.9.1990 and (c) claim had been made belatedly after 20 years.

Suppl. counter affidavit, filed by the respondents no. 4 and 5 on 8.12.2012 is worth noticing. In paragraph 6 they state that *“Md.Mobarak, S/o Ibrahim of village Babura, Police station and Anchal Dhoraiya, district Bank is the sole heir who has not been given compensation vide letter no. 545 dated 15.10.2012. Deputy Collector Land Reforms, Sadar Bhagalpur also recommended to make payment compensation to the husband of deceased. In the light of recommendation of Anchal Adhikari, Goradih vide letter no. 2592 dated 2.11.2012 and accordingly respondent no.3 passed order to make payment of Rs.10,000/- , Rs.1,00,000/- and Rs.3,50,000/- from PM Relief Fund, State Fund and Central Fund respectively and in compliance of the interim order passed by the Hon'ble Court in C.W.J.C.No. 14693 of 2010, the petitioner has been paid Rs.1,00,000/- from State fund and remaining payment is under process”*.

The petitioner by filing supp. affidavit dated 24.12.2014 states that still a sum of Rs.3,50,000/- sanctioned

towards compensation has not been paid to him, though he has already been paid Rs.1,00,000/- Rs. 10,000/-.

As the respondents are themselves of the view that the petitioner is entitled to compensation it is for them to honour their decision to make payment of the amount due to the petitioner without delay, and pay due compensation to him within a period of four months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of with aforesaid observations.

(Samarendra Pratap Singh, J)

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