

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6055 of 2014

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1. Radha Kishun Singh Son Of Late Jangi Singh Resident Of Village And
P.O. Dhanauti, P.S. And Anchal Charpokhari, District - Bhojpur At Ara
..... Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government Of Bihar, Patna
3. The Principal Secretary (Home), Government Of Bihar, Patna
4. The Commissioner, Patna Division, Patna
5. The District Magistrate, Bhojpur At Ara
6. The Superintendent Of Police, Bhojpur At Ara
7. The Sub - Divisional Officer, Piro, District - Bhojpur At Ara
8. The Circle Officer, Charpokhari, District - Bhojpur At Ara
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ras Bihari Thakur

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 05-10-2016 Heard Mr. Ras Bihari Thakur in support of the
application.

No one has appeared on behalf of the State,
however, a counter affidavit filed on behalf of respondent no. 7 is
on record.

The petitioner seeks a direction commanding the
respondents to pay ex-gratia amount/relief for the loss to his house
at the hands of the Naxlite/Maowadi. It is stated that the house of
the petitioner was damaged by using explosive by the extremist
group.

The petitioner has, however, not referred to any
circular/policy decision of the government that in case of loss of

property also at the hands of the extremists or terrorist, the owner is entitled to the payment of ex-gratia amount. The government circular enclosed along with the counter affidavit at D/1 provides grant of such ex-gratia amount, in case, a citizen dies due to the extremist's action in defined circumstance. On this score itself, the Court is inclined to decline the relief. Furthermore, from the counter affidavit, it appears that the respondent State having found that the petitioner has lost his place of abode, sanctioned a sum of Rs. 30,000/- as ex-gratia amount which was paid to and received by the petitioner during the pendency of the writ application.

For these reasons, I am not persuaded to invoke the extraordinary and discretionary writ jurisdiction of this Court and grant the relief. The application is dismissed. Dismissal of this writ application shall, however, not preclude the petitioner from ventilating his grievance before the appropriate authority/forum in accordance with law.

(Kishore Kumar Mandal, J)

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