

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3796 of 2017

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Mahesh Singh Son of late Dooma Singh Resident of Village Nikhati Kalan ,
P.S. Pagunathpur, Prakhand Raguathpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through District Disaster Management Authority District-Siwan.
2. The State of Bihar, through District Disaster Management Authority District-Patna.
3. The District Magistrate (D.M.) District- Siwan.
4. The Block Development Officer, B.D.O. Prakhand Raghunathpur, District-Siwan.
5. The Circle Officer (C.O.) Parkhand Raghunathpur, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar

For the Respondent/s : Mr. Md Khurshid Alam-Aag12

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-12-2018 The petitioner seeks a direction to the respondent –

authorities for payment of compensation or the amount

which would be spent on the reconstruction of his residential

building which was damaged in the earthquake, which took

place on 25.04.2015.

Learned counsel for the petitioner has not been

able to point out from the Disaster Management Act, 2005

whether any guidelines have been formulated by the State

Disaster Management Authority for the purposes of giving

any compensation for damage caused by any act of nature.



In any view of the matter, without referring to the rules or the guidelines under the Disaster Management Act, 2005 what is important to notice is that initially a report was given by the Assistant Engineer that because of the earthquake there was a crack in the lintel and the stiffener of the house of the petitioner, which required reconstruction for the safety of the occupants of the house.

Later, the aforesaid Engineer, on being asked by the District Magistrate, reported that he had not seen the house in question prior to the earthquake; hence it was not possible for him to make any assessment with respect to damage. However, on analysis, the Assistant Engineer came to the conclusion that while casting the lintel and the stiffener, apart from stone-chips, pieces of bricks were also used, which absorbed moisture, causing rusting of the iron rods used in the construction. Thus, more than the impact of the earthquake, it was the faulty construction which had led to the crack in the building.

The District Magistrate, relying upon the aforesaid report, refused to grant any compensation to the petitioner.



This Court does not deem it necessary to hold any other opinion except affirming the decision of the District Magistrate in that regard.

There is no merit in this writ petition and the same is dismissed.

(Ashutosh Kumar, J)

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