

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18838 of 2012

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Ram Sagun Mahto Son Of Late Aklu Mahto Resident Of Village - Bariyarpur
East, Police Station and Anchal - Khodabandpur, District - Begusarai Bihar
... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate-Cum-Collector, Begusarai, District - Begusarai
3. The Sub-Divisional Officer, Manjhaul, District - Begusarai
4. The Dy. Collector, Land Reforms Manjhaul, District - Begusarai Null Null
5. The Circle Officer, Khodabandpur, District - Begusarai
6. The Block Development Officer, Khodabandpur, District - Begusarai
7. Krishna Mohan Mahto Son Of Raghunath Mahto Resident Of Village -
Bariyarpur East, P.O. - Bariyarpur East, P.S. - Khodabandpur, Sub-Division -
Manjhaul, District - Begusarai Bihar
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Narayan Singh, Sr. Advocate
For the Respondent/s : Mr.Kinkar Kumar, SC-9
Mr. Yogesh Kumar, SC-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

10 16-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the respondents.

Petitioner has filed the present application for a
direction to compensate the petitioner as petitioner has suffered
loss of Rs. 10 lakhs.

Learned counsel for the petitioner submits that
without any lawful order the respondents have demolished the
brick built house of the petitioner partly meant for residential
purpose and for storing grains, fodder etc.

Learned counsel submits that the action of the
respondents is without jurisdiction and therefore petitioner is



entitled to compensation.

The Court in the totality of the facts situation is not in a position to grant any relief in exercise of jurisdiction under Article 226 of the Constitution of India. Court is of the considered view that petitioner has remedy either to file appropriate case for compensation and damages under the Law of Torts or if so advised, he may approach the respondents for payment of compensation if the respondents have arbitrarily and without any justification demolished the house of the petitioner then they may fix accountability on the erring officers and also ensure payment of the compensation for the damages sustained by the petitioner.

In the event, petitioner approaches the concerned authority for payment of damages, the authorities may take appropriate action on the claim of the petitioner at the earliest preferably within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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