

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1794 of 2020

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Sam Utthan A registered society having its state office at Gandhi Gram Kushth Ashram, Ward Number 06, Motipur, Muzaffarpur, through its Deputy Secretary namely Ramesh Prasad male aged about 45 years son of Late Mahendra Prasad resident of Ward No. 12, Ram Nagar Kushth Ashram, Khagaul, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary, Ministry of Social Justice and Empowerment, Govt. of India, New Delhi.
2. The Secretary, Ministry of Social Justice and Empowerment, Govt. of India, New Delhi.
3. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary Department of Social Welfare, Government of Bihar, Patna.
5. The Divisional Commissioner Patna.
6. The District Magistrate Patna.
7. The Sub- Divisional Officer Danapur, Patna.
8. The Circle Officer Danapur, Patna.
9. The Director, Disabled Persons Employment Directorate, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal, Adv, Mrs. Aishwarya Riti, Adv, Mr. Atal Bihari Pandey, Adv & Mr. Alok Kumar Jha, Adv
For the UOI	:	Mr. S.D Sanjay, Addl. S.G., Mrs Punam Kumar Singh CGC & Mrs. Priya Gupta, Adv
For the State	:	Mr.Prashant Pratap (GP2)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 24-02-2020 Petitioner has prayed for the following relief:-

(a) For issuance of a writ or order or direction upon the respondents to arrange any alternative, hygienic and suitable shelter for the leprosy patients presently lying in a portion of land near Nahar, Ward No. 12, Ram Nagar



Kushth Ashram, Khagaul, P.S. Khagaul, P.S Khagaul, District Patna of which matter is pending in the office of the respondent Circle Officer, Danapur.

(b) For issuance of a writ or other direction upon the respondents specially the Circle officer, Danapur, restraining them from taking any coercive action against the leprosy patients and their families for the purpose of removal in course of anti-encroachment drive or otherwise who are presently occupying a portion of land near Nahar, Ward No. 12, Ram Nagar Kushth Ashram, Khagaul, P.S. Khagaul, District Patna.

(c) For issuance of necessary direction upon the respondents to first shift the leprosy patients and their attendants to place duly identified for such patients from point of view of suitability, hygiene, health and cleanliness before any step towards demolition of their hutments and establishments is taken.

(d) For holding and a declaration that the leprosy patients and their attendants and caretakers is the most discarded and cornered class of society who cannot forbear and withstand the hazard of sudden removal from their petty hutments and establishments and therefore, it is social as well as human justice that the respondent state as well as central government may first settle the said leprosy patients and their families to a suitable place and allow them to peacefully shift to such new accommodation."

In affidavit dated 03.02.2020, filed on behalf of respondent nos. 06 to 08, we notice that State has taken certain measures for redressing to the grievances of the persons suffering from disability(Leprosy), subject matter in the present petition. Relevant paras of the affidavit are reproduced as under:-

"(5). That land in question under Ward No. 12, Ram Nagar Kushth Ashram, Khagaul, is Gair Majarua Aam Aahar Land which cannot be settled. Thus the settlement Case No. 4/13-14 and Case No. 5/13-14 for settling 49 Leprosy patients is still under consideration.



For the settlement of the aforesaid patients 2 acres and 45 Dec. of Gair Majarua Aam/Malik Land in nearby Panchayats is required which is not available at present. In this regard the Circle Officer, Danapur, vide letter no. 373 dated 20.01.2010. (Annexure-A) has informed the DCLR. Danapur, for his needful in the matter.

(6) That it is pertinent to state that the answering respondents have not taken any coercive action against such leprosy patients in the aforesaid matter.

(7) That it is humbly submitted that the answering respondents will take needful action with regard to settlement of these leprosy patients as per the direction made by the Social Welfare Department and Revenue & Land Reforms Department, Government of Bihar."

At this point of time, it is also brought to our notice that Hon'ble Apex Court is already seized of the matter concerning the implementation of the provisions of the statutes governing physical disability.

Our attention has been invited to one such order dated 0.09.2018 passed in Writ Petition(Civil) No. 1151 of 2017 **(Vidhi Centre for Legal Policy Vs. Union of India & Ors)**, which reads as follows:-

"Mr. Raju Ramachandran, learned senior counsel has filed certain 'Suggestions' as part of his submissions. He has given 11 suggestions.

Out of the 11 suggestions, suggestion nos.10 and 11 pertain to the legislative realm. Mr. Venugopal, learned Attorney General would pray for six weeks' time in respect of these two aspects.

As far as the other 9 suggestions are concerned, prima facie we are of the view that they would fall within the executive sphere. The said suggestions are - (i) Awareness, Sensitisation and Dissemination of action taken; (ii) Nondiscrimination; (iii) Pensionary benefits for



persons affected by leprosy; (iv) Healthcare and Rehabilitation; (v) Housing assistance; (vi) Education; (vii) Employment and livelihood; (viii) Welfare; and (ix) Language and Expression.

We would request Mr. Venugopal, learned Attorney General to assist with regard to the aforesaid 9 aspects by filing his suggestions within four weeks hence.

All the States shall file their response with regard to the steps taken and to be taken, keeping in view the constitutional goal.

List after six weeks."

For the reason that Hon'ble Apex Court is already seized of the matter, we close the present proceeding.

This petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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