

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 246 of 2021

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Satyam Jha, Male, aged about 27 years, Son of Ved
Prakash Jha, resident of 23, Mamobihat, Maun Behat,
Darbhanga-847423, Bihar

...Petitioner

-Versus-

1. The State of Bihar, Through its Chief Secretary,
Main Secratariat, Patna 800015
2. Principal Secretary, Disaster Management, 2nd
Floor, Pant Bhawan, Bailey Road, Patna, Bihar
8000013.
3. District Magistrate, Sitamarhi
4. District Magistrate, Sheohar
5. District Magistrate, Supaul
6. District Magistrate, Kishanganj
7. District Magistrate, Darbhanga
8. District Magistrate, Muzaffarpur
9. District Magistrate, Gopalganj
10. District Magistrate, East Champaran
11. District Magistrate, West Champaran
12. District Magistrate, Khagaria
13. District Magistrate, Saran
14. District Magistrate, Samastipur
15. District Magistrate, Siwan
16. District Magistrate, Madhubani
17. District Magistrate, Madhepura
18. District Magistrate, Saharsa

...Respondents



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Appearance :

For the Petitioner/s : Mr. Shashwat, Advocate
Mr. Vishal Kumar Singh, Advocate
Mr. Deepak Kumar Singh, Advocate
For the Respondent/s : Mr. Pawan Kumar, A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 22-06-2021

Petitioner has prayed for the following relief(s):-

- “i. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to set up adequate numbers of relief camps in proportion to the affected population across the flood affected districts in the States as per the protocols setup under Section 19 of Disaster Management Act, 2005.
- ii. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding Respondent Authorities to



ensure food and ration along with clean drinking water delivery doorstep especially to the poor and needy including pregnant women, lactating mothers and infants.

iii. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to provide toilets and proper sanitation who are forced to take refuge on Highways and highlands.

iv. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to ensure that Integrated Child Development Scheme) ICDS and Anganwadi Services including Antenatal Checkup, Pre Natal Checkup, Immunisation and visitation of ASHA workers to pregnant women, lactating mothers and infant is extended without any hindrance through door step delivery in flood affected areas.

v. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to present the status report containing the details of the steps taken by the District Magistrates as per the directives of State Disaster Management Authority.

vi. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to deploy adequate State Disaster Response Force and National



Disaster Response Force teams.

vii. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to ensure effective sanitation and hygiene drive in order to mitigate water borne diseases.

viii. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to provide mobile medical and healthcare facilities.

ix. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to give additional cash assistance for failure of Crops due to floods and effective implementation of Compensation Scheme.

x. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to provide adequate compensation for relief and rehabilitation to all the flood affected families across the State especially to those who became homeless due floods.

xi. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to ensure institutional delivery and other health care services through proper arrangement of their transportation to the nearest health facility.

xii. For issuance of an appropriate writ of Mandamus



or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to take necessary steps to combat the threat of malnutrition in the time of Floods and COVID-19.

AND/OR

xiii. For grant of any other relief in the interest of justice, equity and good conscience.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a



representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(d) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(e) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.
All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode,



unless the parties otherwise mutually agree to meet in person
i.e. physical mode;

The petition stands disposed of in the aforesaid
terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/PKP-

AFR/NAFR	
CAV DATE	
Uploading Date	22.06.2021
Transmission Date	

