

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10274 of 2020

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Sanjay Kumar Jha Son of Raghav Jha Resident of Kharka, P.S.- Nanpur,
District- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. District Magistrate Sitamarhi.
3. The Additional Collector Sitamarhi.
4. The District Disaster Management Officer Disaster Section, Sitamarhi.
5. The Circle Officer Bokhda Anchal, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey
For the Respondent/s : Mr.Kameshwar Prasad Gupta, GP-X

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

7 20-12-2021 The District Magistrate, Sitamarhi has filed a show cause reply explaining the circumstance in which counter affidavit could not be filed within time, despite directions of this Court. Considering the explanation given in the show cause reply, the same is accepted.

2. The petitioner has filed the present writ application seeking direction to the District Magistrate, Sitamarhi to extend relief to the residents of 11 Panchayats of Bokhda Anchal which are flood affected, on the basis of recommendation made by the



Circle Officer of Bokhda Anchal.

3. In the counter affidavit filed on behalf of the District Magistrate, Sitamarhi, it has been specifically stated that the petitioner's assumption that all 11 Panchayats were flood affected, based on the report of the Panchayat Anushrawan Samiti and the Panchayat Nodal Officer is erroneous. It has, however, been stated in paragraph 22 of the counter affidavit that flood relief has been granted to the affected people on the basis of final report sent in statutory form IX that holds ground for the relief operation. It has been clearly averred in the counter affidavit that though it is true that the Panchayat Nodal Officer had submitted a report to the effect that 11 Panchayats were affected by flood. However, there is criteria for relief distribution and as per the norms, the Circle Officer, after verification and assessment has found people of 26 wards of only 6 Panchayats eligible for flood relief and accordingly 4766 household have been benefited.

4. Learned counsel for the petitioner has argued that many persons affected by the flood have not been rehabilitated. It is difficult for this Court to go into such aspect of the matter in a proceeding under Article 226 of the Constitution of India, there being uncontroverted specific averment on behalf of the



State of Bihar in the counter affidavit as noted above.

5. This writ application stands disposed of accordingly, in view of the counter affidavit filed on behalf of the Respondents.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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