

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12509 of 2022

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1. Kala Devi @Most. Kala Devi Wife of Muneshwar Pandit, Resident of Village- Bharwal Chawk, P.O.- Hanuman Nagar, P.S.- Bishunpur, District- Darbhanga.
 2. Kumari Babita @Kumari Vavita Wife of Sri Jagdish Pandit, Resident of Village- Bharwal Chawk, P.O.- Hanuman Nagar, P.S.- Bishunpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Bihar State Disaster Management, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Darbhanga.
5. The Additional Collector, Darbhanga, At and P.O. and P.S.- Darbhanga, District- Darbhanga.
6. The Executive Engineer, Flood Control Division, Darbhanga.
7. The Circle Officer, Circle Office, Hanuman Nagar Circle, At and P.O. and P.S.- Hanuman Nagar, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-10-2022 Though the present writ petition has been filed challenging the notice dated 25.6.2022, issued by the District Magistrate-cum-Collector, Darbhanga whereby and whereunder the petitioners have been directed to remove their house situated over their raiyati land, in view of the technical report, submitted by the Executive



Engineer, Flood Control Division, Darbhanga and other officials, dated 19.6.2022, as also other reports on the subject matter, however, it is submitted by the Ld. Counsel for the petitioners that the said action is being taken without there being any disaster management plan or a district response plan as mandated under Section 30(2)(i) of the Disaster Management Act, 2005, thus the same is illegal & fit to be set aside.

This Court finds that a person cannot be deprived of his property, save by the authority of law, especially in view of the legal & Constitutional right conferred under Article 300-A of the Constitution of India, hence, in case, the District Magistrate-cum-Collector, Darbhanga feels that it is necessary to remove the structure in question, belonging to the petitioners, he shall acquire the said area and pay compensation to the petitioners as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is made clear that till compensation is paid to the petitioners, no coercive action shall be taken



against them, as mandated in the notice dated 25.6.2022. It is needless to state that if expeditious steps are not taken and in case of any calamity or adverse consequences befalling the people residing in the area in question, as a result of breach in the embankment, the District Magistrate-cum-Collector, Darbhanga shall be responsible for the same and shall be dealt with accordingly.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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