

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3212 of 2021

1. Ranjeet Ram Son of Surendra Ram, Resident of Village - Purani Panapur, P.S. - (Akilpur) Danapur District - Patna.
2. Urmila Devi, Wife of Janardan Ram, Resident of Village - Purani Panapur, P.S. - (Akilpur) Danapur District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Disaster Management Department, Government of Bihar, Patna.
4. The Secretary, Chief Minister Secretariat, Bihar, Patna.
5. The Special Secretary, Disaster Management Department, Bihar, Patna.
6. The Divisional Commissioner, Bihar, Patna.
7. The Director, Land Acquisition, Revenue and Land Reforms Department, Government of Bihar, Patna.
8. The Deputy Secretary, Rural Development Department, Bihar, Patna.
9. The Deputy Secretary, Bihar Legislative Council, Bihar, Patna.
10. The District Magistrate, Patna.
11. The Additional Collector, Disaster Management Department, Bihar, Patna.
12. The Additional District Magistrate, Law and Order, Patna.
13. The Additional Collector, Revenue, Patna.
14. The Deputy Collector, Land Reforms Department, Danapur, Patna.
15. The Sub Divisional Officer, Danapur.
16. The Block Development Officer, Danapur.
17. The Circle Officer, Danapur.
18. The Secretary, Scheduled Caste, Schedule Tribes Commission, Bihar, Patna.
19. The Secretary, Mahadalit Commission/Department, Bihar, Patna.
20. The Mukhiya, Gram Panchayat Raj, Purani Panapur, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
Mr. Ayush Kumar, Advocate
Mr. Kanishk Kaustubh, Advocate
Mr. Shikhar Mani, Advocate



For the Respondent/s : Mr.Lalit Kishore (AG)
Mr. Rishi Raj Sinha, SC 19
Mr. Manoj Kumar Sinha, AC to SC 19

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-09-2022

Petitioners have prayed for the following relief(s):

“i) For issuance of direction to the respondent authorities to implement their decision taken on 20.02.2019, by a committee comprises with the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna, the Principal Secretary, Disaster Management Department, Bihar, Patna, the Additional Secretary, Disaster Management Department, Bihar, Patna, the Additional Collector, Patna, Sub Divisional Officer, Danapur, the Special Work Officer, Disaster Management Department, Bihar, Patna, the Assistant Director, Land Acquisition Bihar, Patna and Circle Officer, Danapur whereby a decision was taken about 159 families belonging to Mahadalit community of Village – Panapur, Diyara whose houses were submerged in the ganga river to rehabilitate them in the village Hathiyakant after purchasing 4 decimal per family raiyati land in the light of the resolution no. 153 (8) dated 09.02.2015 of the Revenue and Land Reforms Department, Bihar, Patna and estimated cost be made available to the District Magistrate, Patna



by the Disaster Management, Patna.

ii) For issuance of direction to the respondent authorities to rehabilitate 159 families of Village – Panapur, whose houses, household articles, their domestic animal and their agricultural land submerged on in ganga river on 30.07.2013 and Rs. 12,72,00,000/- was allotted in terms of the Resolution dated 31.12.2014 issued by the Revenue and Land Reforms Department, and the fund was allocated as per the eight member high level committee under the chairmanship of Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna but till yet the 159 families are compelled to live in a camp under the premises of the Block Development Office, Danapur.

iii) The petitioner further prays to take action against the Circle Officer, Danapur who is adamant to frustrate the complete proposal for rehabilitation of the 159 families of Mahadalit community who are residing in camp in the premises of the Block Development Office, Danapur since the year 2013.

iv) For any other relief for which the petitioner may be deemed entitled to.”

On 04.08.2022, we had passed the following order:

“Unfortunately, for the last eight years grievances of all the persons who are rendered homeless on account of floods which caused misery and sorrow in the lives of people residing in Danapur has not yet been redressed by the State. It is not in dispute that 159 families stand identified to whom land/benefits of the Indra Awas Yojna were to be



accorded. Regretfully, despite constant monitoring of the issue by this Court, the grievances of all the persons have not yet been redressed. Out of 159, only land stands allotted/transferred/mutated in the name of only 28 families.

Today, Shri Rishi Raj Sinha, learned S.C. 19, states that the land for allotment of the remaining aggrieved families, is required to be either identified or allotted.

Any which way, the fact of the matter being that out 159 families, grievances of only 28 families stand fully redressed.

On 27th of July, 2019, we had highlighted the issue as under:

“Let the parties exchange their respective pleadings.

In our considered view, the issue can be best resolved with the authorities reaching out the petitioners and making them explain and understand the importance, significance and relevance of existing land what is being offered by the administration.

As such, we direct the Respondent No.5, namely, the Special Secretary, Disaster Management Department, Bihar, Patna and Respondent No.10, namely, the District Magistrate, Patna, to jointly convene a meeting of all the stakeholders and approach the representatives of 159 families belonging to Mahadalit community of Panapur Diyara whose houses stood submerged in the Ganga river and as per the policy of the State, rehabilitate them after purchasing 4 decimals of land per family. The nature of land was to be raiyati. It is for the government to decide where theses families are to be rehabilitated .

We have no doubt in



our mind that the petitioners cannot choose land of their preference nor can they demand cash in lieu thereof. As such, the administration has to come forward to implement the policy and take care of these poor people whose lands stood submerged on account of National Disaster, duly acknowledged by the State.

Let a report on affidavit by Respondent No.3, namely, the Principal Secretary, Disaster Management Department, Government of Bihar, Patna, be filed within a period of four weeks.

List on 15th of November, 2021.”

On 22nd of June, 2022, we had passed the following order:

“Shri Rishi Raj Sinha, learned Standing Counsel 19, states that matter pertaining to waiver of registration charges for transfer of land in favour of 43 out of 159 families is pending consideration with the State Government. Shri Sinha further states that 43 families have already accorded their consent and have agreed to accept the land identified by the Government.

We direct the concerned Principal Secretary to positively take a decision within next two working days. We also expect the Government/its functionaries to positively hand over the vacant and peaceful possession of the land already identified to the rightful allottees within 7 working days thereafter.

We are constrained to pass such an order considering the fact that the plight, agony which 159 families are suffering since



the year 2013 stands unnoticed and their pleas not finding favour with any of the functionaries of the State.

Let the concerned Principal Secretary, as also the concerned District Magistrate file their personal affidavits.

List on 30.06.2022.”

Ranjeet Kumar, learned counsel for the petitioner, states that the petitioners/parties to whom the land is to be allotted would accept any land identified by the State.

In this view of the matter, we direct respondent No. 2, namely The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna and respondent No. 3, namely The Principal Secretary, Disaster Management Department, Government of Bihar, Patna to immediately constitute a committee of high level responsible officers, including District Magistrates of the concerned districts and ensure that within four weeks from today, not only the land is identified but also the process of handing over of possession and registration/mutation thereof is effected.

We clarify that in the event of non-compliance of the order, on the next date of hearing, we would be constrained to pass an order stopping the disbursement of salary of both the aforesaid respondents.

List on 15.09.2022.”

Today, affidavits on behalf of District Magistrate, Patna stand filed.

Having perused the same, we are of the considered view that the present petition needs to be closed. Save and except for 43 out of 159 families, not only land has been allotted but also deeds registered and possession handed over to all the



affected parties.

Insofar as 45 families are concerned, the claims are not being forwarded to fulfil the formalities despite identification of land and intimation to them.

At this stage, Shri Ranjeet Kumar, learned counsel appearing for the petitioners, states that petitioners, who are public spirited persons, shall endeavour to get in touch with the remaining 45 families and they will help them complete the procedural formalities, should the aggrieved families desire to take benefit of the scheme of rehabilitation and allotment of land.

Shri Ranjeet Kumar adds that all the families affected by way of natural calamity are entitled for the benefit under the Indira Awas Yojna. To this our attention is invited to the response of the concerned Secretary in the Vidhan Sabha, as is evident from the document dated 15.12.2015 (Annexure-4).

Well, it is open for the petitioners, or for that matter, any one of the persons entitled for benefits under the said scheme, to approach the authorities and we are hopeful that, as and when any such process is initiated, a decision in that regard shall be taken in accordance with law. We only direct the authorities to take such a decision expeditiously, preferably



within a period of six months from the date of request so made.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

DKS/-K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	19.09.2022
Transmission Date	

