

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10437 of 2022

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Tulsi Paswan son of Late Mahabir Paswan, Resident of Village- Kandi, P.O. - Bithoshariff, P.S. - Chanauti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Disaster Management Department Government of Bihar, Patna.
2. The Bihar State Disaster Management Authority 2nd Floor Pant Bhawan, Near Indra Bhawan, Bailey Road, Patna- 1.
3. The Collector Gaya, District- Gaya.
4. The In-charge Officer, District-Disaster Management Division, Gaya, District- Gaya.
5. The Senior Superintendent of Police Gaya, District- Gaya.
6. The Superintendent of Police (Nagar) Gaya, District- Gaya.
7. The Dy. S.P. Gaya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-04-2023 The present writ petition has been filed
seeking the following relief:-

“1. That present application is being filed to issue a writ in the nature of certiorari to quash the order bearing Memo No. 1622, dated 02.06.2018, issued by In-charge Officer, District Disaster Division, Gaya, by which he has rejected the application for claim to get compensation of the petitioner due to death of the son of the petitioner in road accident, on the ground that compensation is not



admissible to single casualties and further for issuance of writ in the nature of mandamus for direction to respondents to pay the compensation to the petitioner due to death of his son in road accident as given to similarly situated person in different type of accident case.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the appropriate Court/ forum, including Motor Accident Claim Tribunal, however, seeks a direction to the effect that the issue of limitation may not come in the way of the petitioner to claim compensation for the death of his son on account of motor accident.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to avail such other alternative remedies as are otherwise available under the law, including that of approaching the Motor Accident Claim Tribunal and in case appropriate petition is filed within a period of four weeks from today, the concerned authority/ Court



shall consider the same on merits.

The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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