

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4635 of 2016

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Banarsi Mandal S/o Premlal Mandal Vill- Mandhat tola, Po- Raghuni tola PS
- Ismailpur District Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India, through the Chairperson and the Members of the National Disaster Management Authority constituted u/s 3 of the Disaster Management Act, 2005 South Block, New Delhi.
2. The State of Bihar, through the Chairperson and the Members of the National Disaster Management Authority constituted u/s 14 of the Disaster Management Act, 2005 South Block, New Delhi.
3. The District Magistrate, Bhagalpur, the Government of Bihar, Bhagalpur.
4. The Collector, Bhagalpur the Government of Bihar, Bhagalpur.
5. The Sub Divisional Officer, The S.D.O. Bhagalpur the Government of Bihar Bhagalpur.
6. The Circle Officer, Bhagalpur the government of Bihar Bhagalpur.
7. The Disaster Management Authority Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dharmesh Kumar Shrivastava, Adv. Mr.Birendra Kumar, Adv.
For the Union of India	:	Mr.Mohit Agarwal, CGC
For the State	:	Mr.K.P. Gupta, GP-10 Mr.Anwar Karim, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 08-05-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.(i) To hold and declare that the petitioner is the real victim of the flood disaster in which he has lost two of his sons aged about Seven years and three years.

(ii) To hold and declare that since the petitioner has suffered a mental agony due to loss of the life of his two children, he deserves consolation and



mitigation to reduce the after effect of such occurrence under the well defined provision of law described in "The Disaster Management Act", 2005 (henceforth to be referred to as the 'Act')

(iii) To hold and declare that the aforesaid Act has well defined provisions under which the petitioner is entitled to avail the benefits of funds being created by the respondents following the guideline contained therein.

(iv) To hold and declare that the respondents have been instructed to look after the rehabilitation of the petitioner and under such instructions the respondents are duty bound to help the petitioner by awarding him the monitory assistance in accordance with the provision of the Act.

(v) To hold and declare that the respondents has to declare the amount of financial assistance as per the policy derived under the Act and no decision could be made as wish and will of any authority at his whims.

(vi) To hold and declare that any act of respondent if found, violating the provisions prescribed under the Act, they would be responsible for such violation and would be punishable u/s 55 & 56 of the Act.”

2. At the outset, the learned counsel for the respondent-State submits that the compensation has already been paid to the petitioner.



3. Per contra, the learned counsel for the petitioner submits that the compensation amount paid to the petitioner is meagre and more amount is required to be paid, for which liberty is sought for on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty so sought is granted.

4. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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