
(2008) 09 PAT CK 0168
In the Patna High Court
Case No : CWJC No. 13223 of 2008

Shruti Singh, Advocate, P.H.C.

APPELLANT

Vs

National Disaster Management Authority and Others

RESPONDENT

Date of Decision : 03-09-2008

Acts Referred:

Disaster Management Act, 2005 — Section 10, 2, 3, 4, 5

Citation : (2008) 4 PLJR 423

Hon'ble Judges : R.M. Lodha, C.J.; Kishore K. Mandal, J

Bench : Division Bench

Advocate : Bhupendra Singh and Shruti Singh, for the Appellant; Rajesh Kumar for the State and M/s Sudhir Singh, Sarvadeo Singh for the Union of India, for the Respondent

Judgement

1. The petitioner is an Advocate by profession. She claims to be public spirited person. She is said to have been associated with Dr. Dinesh Kumar Mishra of Barh Mukti Abhiyaan, Anil Prakash of Ganga Mukti Andolan, Dr. Rajendra Singh and Bihar Water People's Commission. She has filed this writ petition in the public interest for a direction to respondent nos. 1 to 3, namely, (1) National Disaster Management Authority, (2) Bihar State Disaster Management Authority, & (3) Secretary, External Affairs Ministry, Government of India, to protect upstream and downstream ends of the breach in order to check further widening of the breach and for a further direction to provide relief and rehabilitation equal to Tsunami affected people after which National Disaster Management Authority was constituted under the Disaster Management Act, 2005 (for short, "the Act of 2005") and consequential reliefs which the court may deem proper.

2. The counsel would submit that although the Central Government and the State Government have made something to help the affected persons but still lots many things are required to be done. He would submit that Advisory Committee required under the Act of 2005, has not been constituted nor diverse measures which are required to be taken for disaster management by the Central

Government and the State Government, have been taken. By a reference of Section 71 of the Act, 2005, the counsel would submit that in matters of disaster, the jurisdiction has been conferred upon the Supreme Court and the High Court only and, therefore, in view of the gravity of situation, this Court should intervene and issue appropriate directions.

3. The Disaster Management Act, 2005 came into existence on 23rd December, 2005 excluding Sections 2, 3, 4, 5, 6, 8, 10, 75, 77 and 79. The remaining sections came into force with effect from 28th July, 2006.

4. The Act of 2005 came to be enacted to provide for management of disaster; for prevention and. mitigation effect of disasters; and for undertaking a holistic, coordinated and prompt response to any disaster situation. The Act is a piece of legislation to provide requisite institutional mechanisms for drawing up and monitoring the implementation of the disaster management plans, ensuring measures by various wings of Government and also matters connected therewith or incidental thereto.

5. Although, the writ petition may have been filed in true spirit and bona fide but, in our considered view, the facts and averments made therein do not justify any intervention by this Court. As a matter of fact, any intervention by the court on scanty pleading without any material may act counterproductive for whatever actions and reliefs being provided by the statutory authorities. It is true that the disasters like this have brought miseries to the life of lacs of people and their property but there is nothing to assume that adequate and proper steps are not being taken by the Central Government and the State Government.

6. All In all, we are satisfied that any intervention by this Court is not only not justified but may be counterproductive to the efforts that have been and are being made by the authorities concerned. We, accordingly, dismiss the writ petition in limine.