

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 6038 OF 2009

BHABESH BEJ

Appellant (s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 25/05/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Appellant(s)

Mr. K.K. Koul, Adv.
Mr. Daya Krishan Sharma, Adv.

For Respondent(s)

Mr. Suresh Chandra Tripathy, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the
signed order.

(DEEPAK MANSUKHANI)

(M.S. NEGI)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6038 OF 2009

BHABESH BEJ

Appellant (s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

O R D E R

This appeal has been preferred against the
judgment and order dated 29.06.2007 passed by the High
Court of Orissa at Cuttack in Civil Writ Petition No.
675 of 2007 by which it has rejected the writ petition
of the appellant for grant of benefit under the scheme
of super cyclone relief.

The appellant had claimed an ex-gratia assistance for the death of his daughter as a result of the super cyclone in the year 1999. It appears from the record that the Tehsildar, on the instructions of the District Collector, held an inquiry and came to the conclusion that the appellant was not entitled for any relief.

However, the appellant approached the High Court and his writ petition was disposed of directing the District Collector to re-consider the case. The matter was re-considered. The District Collector directed the Tehsildar to re-inquire the matter. After holding an inquiry, Tehsildar submitted a report observing that the appellant was not able to supply any correct information regarding his daughter's death

-2-

in the super cyclone. In view thereof, after reconsideration, the Collector rejected his claim vide order dated 15.12.2006.

Aggrieved by the said order, the appellant filed a writ petition which has been dismissed by the High Court vide impugned judgment observing that disputed questions of facts cannot be adjudicated upon by the writ Court and an inquiry has already been conducted by the District Collector twice.

In such a fact situation, no relief could be granted. We do not find any reason to interfere with the well reasoned judgments and orders of the Collector as well as of the High Court. The appeal lacks merit and is accordingly dismissed.

.....J.
(Dr. B.S. CHAUHAN)

..... J.

(DIPAK MISRA)

NEW DELHI
MAY 25, 2012.