

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. 3028/11

Case of Manish Kumar: (Case of trespass of arable land for makeshift Helipad)

8.7.2015

Petitioner, Mr. Manish Kumar present. DDC, Gaya, Mr. Vijay Kumar present.

The complaint of the petitioner (village Baijnathpur, PO+PS Wazirganj, district Gaya) is that on 20.04.2010 a helicopter landed in his land after the district administration took forcible possession of the piece of land and created a makeshift helipad. There was some function to be held by Bihar State Power (Holding) Company Ltd. at Gaya and for its inauguration the minister concerned was arriving by a helicopter. Notices were sent to DM, Gaya and also to the General Manager, Bihar State Power (Holding) Company Ltd.. The District Magistrate maintains that an inquiry was conducted by the SDO, Gaya who came to the conclusion that, in fact, a helicopter carrying the minister landed in the land belonging to the petitioner after the land was converted into makeshift helipad. It is further submitted that SDO, Gaya did not find any evidence that any crops were existing in the piece of land and therefore there was no damage to the crops.

Whether there was any damage to the crops or not is not important. Important is whether somebody's land was converted into makeshift helipad and used for landing a helicopter without his consent. This ex facie is trespass

and is violation of the rights of the petitioner. Since the administration has admitted that the land of the petitioner was used as a helipad to facilitate the arrival of the minister and there is nothing on record to show that the consent of the petitioner was obtained or he was paid any rent for use of land, I feel that this is a fit case in which compensation can be granted.

DM, Gaya shall pay compensation of rupees twenty-five thousand to the petitioner. Principal Secretary, Home Department shall issue circular to all authorities that the land of any citizen shall not be used without his consent for being converted into makeshift helipad for facilitating the landing of any person.

In view of what has been stated hereinabove, allegations levelled by the District Administration against the petitioner appear to be misplaced.

The case is disposed of.

Copy of this order be sent to applicant for information and DM, Gaya & Principal Secretary, Home for necessary action.

Compliance report be submitted within six weeks.

(Justice Bilal Nazki)
Chairperson