

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 214 of 2020

Panchanan Mandal Petitioner

Versus

1. The State of Jharkhand through the Deputy Commissioner, Seraikella, District- Seraikella-Kharsawan
2. Additional Collector, P.O. & P.S.- Kandrabera, District- Seraikella-Kharsawan
3. District Land Acquisition Officer-cum-competent authority under NHA Act, 1956, Seraikella, District- Seraikella-Kharsawan
4. Circle Officer, Chandil, District- Seraikella-Kharsawan
5. National Highway Authority of India, through its Chairman, New Delhi
6. Project Director, National Highways Authority of India Limited, Project Implementation Unit, Jamshedpur, PO & PS- Kandrabera, District- Seraikella-Kharsawan

... .. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	:- Mr. Abhishek Kumar Dubey, Advocate
For the State	:- Mr. Gaurav Abhishek, A.C. to A.G.
For the NHA	:- Mr. Amrit Raj Kisku, Advocate

Order No. 04

Dated: 10.09.2020

The present case is taken up through video conferencing.

2. The present writ petition has been filed for issuance of direction upon the respondents to pay compensation to the extent of 50% share of the award pertaining to legal heirs of Late Jogeshwar Mandal in lieu of acquisition of the land appertaining to Khata no. 141, plot no. 155 measuring an area of 56 decimals and Khata no. 151, plot no. 178 measuring an area of 21 decimals at Mouza-Chandil, Seraikella (hereinafter to be referred as "the said land") which was acquired for the purpose of widening (four laning) of National Highway No.-32 by the National Highways Authority of India under the provisions of the National Highways Act, 1956 (in short, "the Act, 1956").

3. Learned counsel for the petitioner submits that the land appertaining to Khata no. 141, plot nos. 155, 158 and 180 measuring total area of 2.51 acres and Khata No. 151, plot nos. 173, 176, 178, 443 and 444 measuring total area of 2.43 acres situated at Mouza-Chandil, District- Seraikella-Kharsawan were jointly recorded in the name of Jogeshwar Mandal-the grandfather of the petitioner and Bimla

Bala Mandalini-aunt of the petitioner. Their names also found place in Register-II maintained in the concerned circle office and rent receipts have also been issued in their favour from time-to-time. The claim of the petitioner is that since he along with other legal heirs of Late Jogeshwar Mandal are also coming in the genealogical table of the said recorded raiyats, they are also entitled for payment of the awarded compensation in lieu of acquisition of the land being done at the instance of the respondent- National Highways Authority of India for the purpose of widening (four laning) of National Highway No.-32. On preparation of the award for the said land, the notices in connection with D.L.A. Case No. 12 of 2014-15 have been issued in the name of the said recorded raiyats. Learned counsel for the petitioner further submits that one of the such notices has been issued showing Khata number of the land in question as 131 whereas the same should actually be Khata no. 151. The petitioner's cousin namely Sagar Mandal has put claim to extent of 50% share out of total awarded compensation paid for the said land, by way of making representation dated 17.01.2020 before the respondent no.3, however no decision has been taken by the said authority.

4. Mr. Gaurav Abhishek, learned A.C. to A.G. appearing on behalf of the respondent nos. 1 to 4 and Mr. Amrit Raj Kisku, learned counsel appearing for the respondent nos. 5 and 6, jointly submit that considering the nature of the dispute raised by the petitioner, the same can be adjudicated by the competent authority i.e. the respondent no. 3 under Section 3-H (3) of the Act, 1956.

5. Heard learned counsel for the parties and keeping in view that the petitioner has made claim of 50% share out of the awarded compensation as one of the heirs of Late Jogeshwar Mandal, without entering into the merit of the case, the petitioner is given liberty to prefer an application before the respondent no. 3 under Section 3-H (3) of the Act, 1956. On receipt of the said application, the respondent no. 3 after issuance of notices to the concerned parties in relation to the Award in question and on making due inquiry, shall take an appropriate decision with regard to entitlement of the person(s) to receive the amount of award in question. If the respondent no. 3 finds

that there is complicated question with regard to the claim of compensation, he may refer the said dispute to the principal civil Court of original jurisdiction under Section 3-H (4) of the Act, 1956 for decision within a period of 60 days from the date of filing of the application by the petitioner.

6. The writ petition is accordingly disposed of with aforesaid liberty and direction.

(Rajesh Shankar, J.)

Ritesh/