

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**[Civil Writ Jurisdiction]**

**W.P. (C) No. 1219 of 2009**

Uma Devi Agarwalla and Ors. ... ..Petitioners

Versus

The State of Jharkhand and Ors. .. ...Respondents

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**CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through :-Video Conferencing)**

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For the Petitioners : Mr. Ankit Vishal, Advocate.

For the Respondent-BCCL : Mr. Anoop Kumar Mehta, Advocate.

For the State : Mr. Manish Mishra, G.P.-V.

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**08/08.09.2021** Learned counsel for the petitioners, Mr. Ankit Vishal has submitted that some time may be granted so as to consider the reply of learned counsel, Mr. Anoop Kumar Mehta with regard to annexures-4, 5, 6 & 7 of the writ petition and particularly para-7 of the counter affidavit filed by the BCCL.

Learned counsel for the petitioners, Mr. Ankit Vishal has referred paras- 7 and 8 of the counter affidavit filed by the Circle Officer, namely Hema Prasad, W/o Mr. Ravi Shankar Prasad Baliapur, District- Dhanbad, and has submitted that entire confusion has been created by the Circle Officer, which itself contrary to the Annexures - 4, 5, 6 & 7 and the representation filed before the Circle Officer, in the writ petition, as such, some time may be granted.

Learned counsel for the respondent -BCCL, Mr. Anoop Kumar Mehta has submitted that the petitioners have to first clarify the stand that whether they want compensation on the basis of the owner of the colliery being vested to the BCCL or being the land looser, whose land has been acquired by the BCCL for the purpose of mining, and as such, in view of the judgment passed by the Apex Court in the case of *State of Rajasthan Vs. Bhawani Singh and Others* reported in *1993 Supp (1) SCC 306*, this writ petition is not maintainable under such disputed question of fact.

Mr. Manish Mishra, learned counsel for the State has submitted that there is some discrepancy in the counter affidavit, which is apparent from paras-7, 8 & 9, as such, he requires some time to verify the fact.

Put up this case on 13.09.2021.

Learned counsel for the State can verify and file supplementary counter affidavit if so advised.

**(Kailash Prasad Deo, J.)**