

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 1150 of 2020

Bibhash Chandra Mahato Petitioner

Versus

1. The State of Jharkhand
2. The Chief Secretary, Government of Jharkhand, Ranchi
3. The Secretary, Finance Department, Government of Jharkhand, Ranchi
4. The Secretary, Road Construction Department, Government of Jharkhand, Ranchi
5. The Deputy Commissioner, Bokaro
6. The District Land Acquisition Officer, Bokaro
7. The Circle Officer-cum-Collector, Chandankiary, Bokaro

... .. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner

: Mr. Sunil Singh, Advocate

For the Respondents

: Mr. Rahul Kamlesh, AC to SC-IV

Order No. 03

Dated: 08.07.2020

The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for issuance of direction to the respondents to show cause as to under what authority, they are constructing the road over the raiyati land of the petitioner without making acquisition in accordance with law or payment of compensation to him.

2. The learned counsel for the petitioner submits that the land pertaining to Adrakudi Mauza No. 155, Khata No. 272, Khesra No. 2231, measuring an area of about 1 acre 77½ decimals , Khata No. 272, Khesra No. 2113, measuring an area of about 2 acre 42 decimals and Khata No. 272, Khesra No. 2166, measuring an area of about 4 acre 6 decimals of Chandankiyari, District-Bokaro (hereinafter referred to as "the said land") was given by Shri Yadav Singh Choudhary, son of Late Muka Ram Singh Choudhary to Rameshwar Mahato, son of Late Mangal Mahto by way of Jot Patta vide deed of year 1925 and 1926 and the rent was fixed by the landlord. Late Rameshwar Mahato was the great grandfather of the petitioner. The petitioner being the descendant has been in peaceful possession over the said land and the rent for the same has also been paid regularly, which is evident from the rent receipts dated 09.08.2004 and 02.09.2017 (copies of which have been

annexed as Annexure-1 series to the writ petition). It is further submitted that possession certificate dated 20.03.2005 has also been issued to the petitioner by the respondent no. 7 – the Circle Officer, Chandankiary, Bokaro. The learned counsel for the petitioner also submits that the respondent authorities have forcibly started construction of road from Hutupathar to Adrakudi via Mirdha village passing through the raiyati land of the petitioner without following the due procedure of law. It is further submitted that the petitioner has filed representation before the respondent no. 5 – the Deputy Commissioner, Bokaro, however, the same has not yet been responded.

3. AC to SC-IV appearing on behalf of the respondents submits that the matter is required to be factually verified by the competent authority and hence, if the petitioner prefers a fresh representation before the respondent no. 6 – the Collector under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the District Land Acquisition Officer, Bokaro) on the present issue, the same will be considered and an appropriate decision will be taken in this regard in accordance with law.

4. Having heard the learned counsel for the parties and keeping in view the nature of prayer made in the present writ petition, without entering into the merit of the case, the petitioner is given liberty to file a fresh representation before the respondent no. 6 – the Collector under the Act, 2013 (the District Land Acquisition Officer, Bokaro). On receipt of the said representation, the respondent no. 6 after making due enquiry and on providing adequate opportunity of hearing to the petitioner/his representative, shall take an appropriate informed decision within a period of three months from the date of filing of the representation.

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

(Rajesh Shankar, J.)