

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Appellate Jurisdiction)
F.A. No. 74 of 2011

.....
Deputy Commissioner, Hazaribagh Appellant
Versus
Sri Heman Mahto Respondent

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

.....
For the Appellant : Mr. Ankit Kumar, A.C. to S.C. (Mines)-I.
For the Respondent : Mr. Ramawatar Choubey, Advocate.

.....
14/26.03.2021.

Heard, learned counsel for the appellant, Mr. Ankit Kumar, A.C. to S.C. (Mines)-I, Mr. Pravin Akhoury.

Learned counsel for the appellant has submitted that I.A. No.1926/2021 has been filed duly sworn by David Balihar, S/o Late C. M. Balihar duly authorized person to withdraw the First Appeal as similar set of first appeal arising out of same project, F.A. NO.162/2011 to 171/2011 have been decided by the Hon'ble Court on 21.11.2013 observing as under:-

“I do not find that the learned Special Judge, L.A. has committed any mistake in deciding value of the land and, accordingly, there is no merit in all these appeals. Accordingly, the same are hereby dismissed. Judgment and Award dated 6th November, 2009 and 26.11.2009 respectively, passed by Sub- Judge-II, Hazaribag, in L.R. Case Nos.09/2008 to 18/2008 are hereby upheld”.

The same has been brought on record as annexure -'A' at page-15 to 16.

Learned counsel for the appellant has further submitted that instant first appeal is fully covered with the above mentioned order of the Hon'ble Court, accordingly, in compliance of the above stated order passed by the Hon'ble Court, the appellant has paid the awarded amount to the land loser including the respondent in the instant appeal arising out of the said project as per the departmental direction and as such, Interlocutory Application has been filed to withdraw the same.

Learned counsel for the respondent, Mr. Ramawatar Choubey has submitted that appeal may be disposed of in view of the interlocutory application.

Considering such submissions of learned counsel for the appellant, though the affidavit has been sworn by David Balihar without disclosing his designation or disclosing that he has been authorized by the competent authority, interlocutory application has been filed.

Since, the State counsel is submitting that appeal may be permitted to withdraw in view of assertion made in I.A. particularly paras-6 & 7, this Court has no objection. Paras-6 & 7 of the aforesaid I.A. are quoted hereunder:-

“6. That it is stated and humbly submitted that is is pertinent to mention here that the award passed by the Special Judge L.A. Hazaribag in the L.A.R. Case Nos.191/2007 to 208/2007 was on the basis of the award passed by the Special Judge L.A. Hazaribag in L.R. Case Nos. 09/2008 to 18 /2008 as all the cases were arising out of the same project.

7. That it is stated and humbly submitted that the instant first appeal is fully covered with the above mentioned order of the Hon'ble Court, accordingly, in compliance to the above stated order passed by the Hon'ble Court the appellant has paid the awarded amount to the land losers (including respondent in the instant appeal) of the said project as per the departmental direction.”

Accordingly, I.A. No.1926/2021 is disposed of and the instant appeal is dismissed as withdrawn.

However, let copy of this order be communicated to the Secretary, Revenue Department, State of Jharkhand and the Deputy Commissioner, Hazaribag.

(Kailash Prasad Deo, J.)

Jay/-