

IN THE HIGH COURT OF JHARKHAND AT RANCHI
WP(C) No.1791 of 2023

Shilpa Sachin Pawar @ Shilpa Jewel Madki

... **Petitioner(s).**

Versus

The State of Jharkhand and Others

... **Respondent(s).**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Subodh Kr. Pandey, Advocate

For the State : Mr. Achyut Keshav, AAG-V

Mr. Baibhaw Gahlaut, AC to AAG-V

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07 /26.03.2026: Heard the learned counsel representing the petitioner and the learned counsel representing the State.

2. The facts are admitted by the parties including the State.

3. The land of khata no.71 plot nos. 1142, 1193, 1195, 2120, 2121, 2098, 2102 of Mouza-Konsode, Thana no. 88, PS Bano, District-Simdega belongs to this petitioner.

4. Admittedly, the said land has been utilized for widening and strengthening of Bakutoli (SH-03)-Kurkura-Bano Road. It is also admitted by the State that they have utilized the said land after dispossessing the petitioner but without any acquisition. It is also further admitted by the State that till date compensation and other benefits in lieu of the acquisition of the land, has also not been paid to the petitioner. It is admitted that the work of road has been completed in the year 2019 itself.

5. Today when the matter is taken up, learned counsel for the State submits that since the land of the petitioner is situated within the district of Simdega, District Land Acquisition Officer (DLAO), Simdega has to send a proposal. He submits that the plot in question though falls within the jurisdiction of Road Construction Division under Gumla district but the land falls within the jurisdiction of district of Simdega which is causing problem.

6. It is necessary to quote paragraph no. 14 of the counter

affidavit dated 04.10.2023, which is as follows:

14. That it is most humbly and respectfully submitted that the materials contained in paragraph 10 of the writ application that the respondent has been demanded several times the calculated amount from the Executive Engineer, Road Construction Department, Road Division Gumla but the Road Construction Department not provided the fund hence the respondent not paid the compensation amount to the petitioner and as soon as the compensation amount will be provided the respondent immediately paid to the petitioners.

7. From the aforesaid admitted fact it is clear that the land of the petitioner has been used and he has been dispossessed, without following the due procedure of law. Though right to property is not a fundamental right but in terms of Article 300A of the Constitution no one can be deprived of his property save and except by authority of law.

8. In this case none of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act has been followed nor even the petitioner has been compensated. The respondent-State just barged in and dispossessed the petitioner from the land and used the same. It is exactly how a land mafia operates. This type of action of the State cannot be accepted by this Court.

9. The attitude of the officers of the State in this case clearly shows that they treat themselves to be above the law. Nor the higher officials of the department took any pain to see that the petitioner gets his dues. This is not the way a poor citizen is treated. I am not commenting any further. The officers of the State should take responsibility. A citizen cannot be deprived of his property in the manner which has been done in this case.

10. Thus, till the fair compensation amount is paid to the petitioner, salary of the Principal Secretary, Road Construction Department; Chief Engineer, Road Construction Department; Engineer-in-Chief, Road Construction Department; Superintending Engineer, Road Construction Department, Ranchi Circle; Executive

Engineer, RCD, Gumla; Executive Engineer, RCD, Simdega and District Land Acquisition Officer, Gumla and Simdega shall remain stayed. They will not draw their salary without the leave of this Court.

11. Let a copy of this order be forwarded to the respective Treasury and the Accountant General of the State and the responsibility is fixed upon the Accountant General and the Treasury Officers to ensure that without the leave of the Court their salary is not disbursed.

12. Let a copy of this order be communicated to the concerned officials including the Chief Secretary of the State.

13. List this case after two months.

(ANANDA SEN, J.)

26.03.2026
Tanuj/CP-2