

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 770 of 2025

Basant Kumar Mahalka

..... Petitioner

Versus

The State of Jharkhand & Another

..... Opposite Parties

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner:

Mr. V. K. Tiwary, Advocate

For O.P.No.2:

Mr. Krishna Kr. Bhatt, A.C to S.C-I

05/09.01.2026 Mr. Krishna Kr. Bhatt, learned A.C to S.C-I appearing on behalf of the O.P.No.2, refers to the order dated 12.12.2025 passed by the District Land Acquisition Officer, Latehar (the O.P.No.2) [Annexure-G to the show cause affidavit dated 16.12.2025] and submits that the Jamabandi of the land in question has been running in the name of the petitioner, which is being utilized for the purpose of construction of road over bridge (ROB). It has further been mentioned in the said order that the Railway has not made any requisition despite repeated requests made for the same.

2. This Court is of the view that it was the duty of the State-authority including the O.P. No. 2 to first verify as to whether the land in question was the raiyati land or the same was the government land. However, without verifying the said fact, the land was given to the Railway for the purpose of construction of ROB. The said lapse on the part of the State-authority is thus quite serious.

3. Since admittedly the land in question is the raiyati land of the petitioner, the O.P.No.2 is under legal obligation to make payment of compensation for the said land to the petitioner much less to comply the order dated 27.03.2025 passed by this Court in W.P.(C) No. 657/2025. It is also made clear that if the land in question is being utilized by the Railway for construction of ROB, the State authority shall be at liberty to claim the amount of compensation from the Railway. However, the petitioner cannot be deprived of due compensation for

the land in question on the ground that requisition in that regard has not been made by the Railway.

4. Under the said circumstances, the O.P. No.2 is directed to make payment of due compensation to the petitioner in terms with the aforesaid order of this Court within six weeks and to file compliance affidavit.

5. Put up this case on 27.02.2026 under the heading 'For Admission'.

Satish/-

(RAJESH SHANKAR, J)