

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 3041 of 2020

Bhuneshwar Sahu

..... Petitioner

Versus

1. The State of Jharkhand
2. The Secretary, Department of Revenue and Land Reforms, Government of Jharkhand, Ranchi
3. The Deputy Commissioner, Ranchi
4. The Deputy Secretary, Department of Revenue and Land Reform, Government of Jharkhand, Ranchi
5. The Additional Collector, Ranchi
6. The District Land Acquisition Officer, Ranchi
7. The Circle Officer, Namkum, Ranchi
8. Raj Kumar Srivastava
9. Ravindra Kumar
10. Mukesh Kumar Sinha

..... Respondents

CORAM**HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner:

Mr. Suraj Kumar

For the State:

Mr. Amrit Raj Kisku, A.C to G.A-V

For Respondent Nos. 8-10:

Ms. Nanda Kumari

05/21.03.2023 The present writ petition has been filed for issuance of direction upon the respondents to make payment of appropriate compensation to the petitioner in lieu of acquisition of his land appertaining to Plot No. 168, Khata No. 13, Mouza-Hethu, Thana No. 298, P.S-Namkum, District-Ranchi, measuring an area of 0.63 Acre, out of total area of 0.78 Acre, which was acquired vide Land Acquisition Case No. 06/2008-09 for widening of Birsa Munda Airport, Ranchi. Further prayer has been made for issuance of direction upon the respondents-State to execute the order dated 10.01.2014 passed by the respondent No.5 in Mutation Revision Case Nos. 09 R 15/12-13, 10 R 15/12-13 & 11 R 15/12-13 (Annexure-4 to the writ petition) whereby the order of mutation dated 27.10.2009 passed by the respondent No.7 in Mutation Case Nos. 2058 R 27/09-10, 2053 R 27/09-10 & 2061 R 27/09-10 has been set aside. The petitioner has also prayed for directing the respondents to take appropriate action against the private respondents i.e. the respondent Nos. 8 to 10 as well as to proceed in Certificate Case Nos. 09(Misc.)/14-15 & 11(Misc.)/14-15 initiated against them for recovery of the compensation amount illegally received by them.

A counter affidavit has been filed on behalf of the respondent Nos. 3, 5 & 6 stating inter alia that the lands appertaining to Mouza-Hethu, Plot Nos. 166, 167 & 168, measuring an area of 0.33 Acre, 0.46 Acre & 0.63 Acre respectively (total area 1.42 Acres) were acquired for widening of Birsa Munda Airport, Ranchi and Award No. 08 was prepared for the aforesaid land to the tune of Rs.1,20,60,640.00 in the names of Raj Kumar Srivastava (the respondent No.8), S/o Ganesh Lal Srivastava, Ravindra Kumar (the respondent No.9), S/o Sudama Vishwakarma, Mukesh Kumar Sinha (the respondent No.10), S/o Lakhan Lal Sinha, Pradeep Kumar, S/o Krishna Murari Prasad and Satendra Kumar, S/o Sudama Vishwakarma apportioning their respective amounts of compensation. A report from the respondent No.7 was obtained in this regard and order for payment of compensation was passed by the respondent No.6. As per the said order, the respondent No.8, the respondent No.9, the respondent No.10 and the petitioner have been paid Rs.2,54,802.00, Rs.15,28,813.00, Rs.14,35,386.00 & Rs.21,31,847.00 against acquisition of Plot No. 168, measuring an area of 0.03 Acre, 0.18 Acre, 0.169 Acre & 0.2510 Acre respectively of the said Mouza. Thus, the petitioner has been paid Rs.21,31,847.00 only against the total amount of compensation awarded for acquisition of 0.63 Acre of Plot No. 168.

It has further been stated in the counter affidavit that the respondent No.6 subsequently passed an order against the respondent Nos. 8, 9 & 10 for recovery of the said amount by filing the aforesaid certificate cases against them, who had received the amount of compensation on the basis of fake documents. A notice in this connection was handed over to the peon of the office of the respondent No.6 for serving the same to the said respondents, but it could not be served upon them as they were not found on the address given by the petitioner. The peon returned the said notice to the respondent No.6 for taking necessary action. It has also been stated that apportionment of the amount of compensation for acquisition of the land appertaining to Plot No. 168, measuring an area of 0.63 Acre of the said Mouza comes to Rs.53,50,848.00, out of total amount of compensation of Rs.1,20,60,640.00. However, except the

amount of compensation paid to the petitioner, the remaining amount of compensation with respect to Plot No. 168 has wrongly been paid to the respondent Nos. 8 to 10 and the aforesaid certificate cases have been instituted against them for recovery of the said amount which has been claimed by the petitioner. After enquiry, it has been found that no balance amount for payment of compensation to the petitioner is available for acquisition of the land appertaining to Plot No. 168 as the same has been paid to the respondent Nos. 8 to 10. As soon as the said amount is recovered from the said respondents, the balance amount of compensation will be paid to the petitioner and others. A detailed report in this regard has been sent by the respondent No.3 vide letter No. 2083(ii) dated 28.11.2019 to the respondent No.2.

It would thus be evident from the stand taken in the counter affidavit filed on behalf of the respondent Nos. 3, 5 & 6 that the petitioner has not yet been paid the amount of compensation for which he is legally entitled. Unfortunately, the amount of compensation fraudulently received by the respondent Nos. 8, 9 & 10 has also not been recovered through the aforesaid certificate cases which were instituted about eight years back. The respondent No.3 has mentioned in letter No. 2083(ii) dated 28.11.2019 issued to the respondent No.2 that the compensation for acquisition of the land in question should be paid to the petitioner after recovery of the amount from the certificate debtors or after the government makes the additional fund available for the said purpose. However, nothing has been done by the respondent authorities thereafter.

Such irresponsible attitude of the respondent authorities deserves to be deprecated by this Court. Though they have admitted that the amount of compensation for acquisition of the land in question was wrongly paid to the respondent Nos. 8, 9 & 10 and the petitioner is legally entitled for payment of compensation in lieu of acquisition of the land in question, yet he has been made to suffer for years together and has been compelled to file the present

writ petition. Under the aforesaid circumstances, let a supplementary counter affidavit be filed by the respondent No.3 within four weeks stating

(i) as to whether any criminal case has been lodged with respect to fraudulent payment of the amount of compensation for acquisition of the land appertaining to Plot No. 168 of the said Mouza in favour of the respondent Nos. 8 to 10, particularly, keeping in view that the parts of the lands were transferred to them by way of sale even after issuance of notification under Section 4 of the Land Acquisition Act, 1894.

(ii) why the petitioner has not been paid the admissible amount of compensation for acquisition of the land in question, rather he has been kept waiting till recovery of the amount through the aforesaid certificates cases initiated against the respondent Nos. 8, 9 & 10 in the year 2014-15.

Put up this case on 25.04.2023 under the heading 'For Admission'.

I.A. No. 7126/2022

The present interlocutory application has been filed on behalf of the petitioner seeking early hearing of the present writ petition.

Since the present writ petition has already been taken on Board, there is no need to pass any order on the present interlocutory application and the same is accordingly disposed of.

Satish/-

(RAJESH SHANKAR, J)