

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. Secretary, Department of Revenue and Land Reforms,
Government of Jharkhand, Office at Nepal House, P.O + P.S
Doranda, District- Ranchi
3. Deputy Commissioner, Ranchi Office at Collectariate Building,
Kutchery Chowk, P.O G.P.O P.S. Kotwali, District-Ranchi
4. Deputy Secretary, Department of Revenue and Land Reforms,
Government of Jharkhand, Office at Nepal House, P.O + P.S
Doranda, District-Ranchi
5. Additional Collector, Ranchi Office at Collectariate Building,
Kutchery Chowk, P.O.G.P.O, P.S. Kotwali, District Ranchi
6. District Land Acquisition Officer, Ranchi Office at
Collectariate Building, Kutchery Chowk, P.O. G.P.O, P.S.
Kotwali, District Ranchi.
7. Circle Officer, Namkum P.O + P.S. Namkum, District Ranchi
8. Raj Kumar Srivastava, Son of Late Ganesh Lal Srivastava
9. Ravindra Kumar Son of Sudama Vishwakarma
- 10 Mukesh Kumar Sinha, Son of Lakhan Lal Sinha

... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner

: Mr. Suraj Kumar, Advocate

: Mr. Sunil Kumar Mahto, Adv

For the State

: Mr. Jayant Franklin Toppo, G.A.V

For the Pvt. Resp Nos. 8 to 10 : Mr. Anil Kumar Sinha, Adv

Order No.07

Dated 27th June, 2023

The present writ petition was taken up for consideration on 21.03.2023. The relevant part of the order passed on the said date reads as under:-

“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'."

2. Thereafter, the writ petition was taken up on 25.04.2023 and on the said date, I.A No.3915 of 2023 was filed on behalf of the respondent No.3 seeking eight weeks' more time to file supplementary counter affidavit in terms with the order dated 21.03.2023. Accordingly, the learned counsel for the respondent No.3 was granted eight weeks' more time to file supplementary counter affidavit in terms with the said order.

3. A Supplementary counter affidavit has been filed on behalf of the respondent No.3 stating *interlia* that in order to ascertain the present status of the matter, the respondent No.6 constituted an enquiry committee comprising of four revenue officials as members vide memo No.577(ii) dated 03.04.2023. It has also been stated that enquiry committee perused the concerned revenue records as well as made joint verification of the acquired land. The committee accordingly, submitted its report under the signatures of Kanungo and Amin of the District

Land Acquisition office, Ranchi on 19.04.2023 to the respondent No.6 who vide letter No.658(ii) dated 19.04.2023 requested the District Certificate Officer, Ranchi to expedite the process of recovery of the award amount initiated vide Certificate Case Nos.09 (Misc) 14-15 and 10 (Misc) 14-15 and 11 (Misc) 14-15. Moreover, the said revenue officials of the District Land Acquisition Office, Ranchi mentioned in their joint report that as per Khatiyani, the land in question was owned by a person belonging to caste “Kahar” which comes under Backward Class Category as per list of Backward Classes notified under the Chotanagpur Tenancy Act, 1908 and since the petitioner belongs to Caste ‘Sahu’ who has purchased the land in question without obtaining prior permission of the Deputy Commissioner under clause (b) of the second proviso of Section 46(1) of the Chotanagpur Tenancy, Act, paying compensation to him does not seem to be as per law. As such, the answering respondent vide order dated 21.06.2023 has referred the matter to the Land Acquisition Judge, Ranchi for hearing the matter in terms with Section 30 of the Land Acquisition Act, 1894 and subsequently sent through letter No.1063(ii) dated 22.06.2023.

4. It has further been stated in the counter affidavit that at present no amount is available in the treasury account with respect to award No.08 and therefore, the balance compensation cannot be paid to the petitioner till the same is recovered through the aforesaid certificate cases.

5. The said stand taken in the counter affidavit filed on behalf of the respondent No.3 cannot be said to be in conformity with the specific directions issued by this Court vide order dated 21.03.2023. This Court is thus of the view that the supplementary counter-affidavit filed on behalf of the respondent No.3 is completely evasive and contemptuous in nature, particularly considering the detailed observation made by this Court in the order dated 21.03.2023.

6. It further appears that the order dated 21.06.2023 has been passed by the District Land Acquisition Officer, Ranchi (i.e respondent No.6) in a proceeding initiated pursuant to the order of this Court dated

21.03.2023, however, the respondent No.6 instead of following the observation made in the said order, has audaciously relied upon the report of concerned 'Amin & Kanungo.

7. The said proceeding initiated by the respondent No.6 itself appears to be meaningless only with a view to divert the issue raised by the petitioner in the present writ petition. Hence, the order of the respondent No.6 dated 21.06.2023, by which, the record of the concerned Land Acquisition Case has been transferred to the Land Acquisition Court, Ranchi is hereby, stayed.

8. Let a *suo motu* contempt proceeding be initiated against the respondent No.3 (i.e, Rahul Kumar Sinha, Deputy Commissioner, Ranchi) and the respondent No.6 (i.e Ms. Anjana Das, District Land Acquisition Officer, Ranchi).

9. Office is directed to institute a separate case of contempt proceeding against the aforesaid Officers.

10. Issue notice to the aforesaid contemnors by both process i.e, registered cover with A/D as well as under ordinary process for which requisites etc, must be filed within ten days from today.

11. Put up this case on 28.07.2023 under the heading "For Admission" along with the said contempt case.

12. Both the contemnors are directed to remain physically present before this Court on the next date fixed in this case.

(Rajesh Shankar, J.)

Raja/-