

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A No.728 of 2023

Smt. Suga Devi

..... ...

Appellant

Versus

Bharat Coking Coal Limited through its Chairman & Ors.

... ...

Respondents

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Appellant : Mr. Avishek Chandra, Advocate

For Resp.-BCCL : Mr. Indrajit Sinha, Advocate

Mr. Ankit Vishal, Advocate

Order No.06/Dated: 16th October, 2025

1. We have heard the learned counsel for the parties.
2. The appellant/petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India for seeking a direction for payment of amount of compensation in lieu of utilization of land for the purpose of mining operation by virtue of an agreement entered in between the parties.
3. The only question involved is that whether on the basis of an agreement any right will be said to be conferred in favour of a party that too, the nature of agreement has not got the validity due to non-registration, therefore, it cannot also be construed to be the leave within the meaning of section 105 of the Transfer of Property Act, 1882.
4. Even accepting that there is no permission under section 49 of the CNT Act, then also it will go against the respondent-BCCL also as to how without any permission as required to be there under section 49 of the CNT Act, the mining operation has been carried out.
5. However, Mr. Indrajit Sinha, the learned counsel appearing for the respondent-BCCL has submitted that this Court may not go on the said issue, rather, better would be that the parties will sit and resolve the issue on the point of amount of compensation.

6. This Court, considering the aforesaid fact, is adjourning the matter to be listed after two weeks.
7. Let this matter be posted on 18.11.2025.
8. Since the parties have expressed for settling the issue, as such, this Court at this stage is not going into the issue of limitation.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

Dated:16.10.2025
Sudhir