

(2025) 01 JH CK 1709
In the Jharkhand High Court
Case No : Writ Petition (PIL) No. 2536 Of 2023

Ajay Narayan Lall

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 17-01-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 01 JH CK 1709

Hon'ble Judges : M. S. Ramachandra Rao, CJ; Gautam Kumar Choudhary, J

Bench : Division Bench

Advocate : Yogesh Modi, Sunita Kumari

Final Decision : Dismissed

Judgement

M.S. Ramachandra Rao, CJ

1) This writ petition is filed in public interest seeking a direction to the respondents to construct Joraphatak-Dhokra Ring Road in the District of Dhanbad for which land had been acquired by the respondents in 2011-2012 and compensation was allegedly paid to the land-losers for the said purpose

2) The acquisition was done by the Jharia Rehabilitation and Development Authority and it is alleged that Rs.76,12,79,601 has been distributed for the acquisition of the land.

3) It is contended that if the said Ring Road is constructed, traffic in the city of Dhanbad would be much better. It is further contended that there is a need for such a Ring Road in Dhanbad city because of menace of traffic congestion prevailing in the city.

4) Counter affidavit has been filed by the Jharia Rehabilitation and Development Authority (respondent 3).

5) It is stated in the said counter affidavit that several irregularities were discovered in the Ring Road Project, and therefore, by the order of Deputy

Commissioner, Dhanbad contained in Memo No. 839 dt. 18.4.2015 an Enquiry Committee was constituted; on the basis of the Report submitted by the said Enquiry Committee, Mouza Duhatand & Dhanbad P.S. Case No. 212/2016 dt. 23.2.2016, Nigrani Case No.32/2016 dt. 21.4.2016, Mouza Tilatand Case No. 657/2015 dt. 23.6.2015, Nigrani P.S. Case No. 31/2016 dt. 20.4.2016, Mouza Duhatand, Dhanbad, Manaitand and Dhokra P.S. Case No. 398/2015 dt. 18.4.2015 and Nigrani Case No. 30/2016 dt. 20.4.2016 have been lodged and the matter is being investigated by the Anti-Corruption Bureau.

6) It is further stated that the then District Land Acquisition Officer, Sri Uday Kant Pathak was found guilty of causing gross irregularities in the Project and his services have been terminated on 9.8.2018 by the Deputy Secretary, Department of Personnel, Administrative Reforms and Official Language, Jharkhand Government.

7) It is stated that all the records and files in connection with the said Project had been handed over to the Anti-Corruption Bureau for proper investigation in the criminal cases, and so no further action is being taken in the said project.

8) The contentions raised in the counter affidavit are supported by the annexures filed thereto.

9) The other respondents have not chosen to file any counter affidavit.

10) We are of the opinion that the decision whether or not to construct the Ring Road taken by the respondents is essentially an administrative matter. A decision in that regard has to be taken by the respondents and it is not a matter for the High Court to determine in the exercise of its writ jurisdiction under Article 226 of the Constitution of India, particularly when there are allegations of serious corruption in the execution of the proposal for acquisition of the land for the Ring Road and Criminal Cases have been registered in that regard as stated by the respondents.

11) If according to the petitioner the acquisition process is already complete, undoubtedly the land had vested in the State Government. It is settled law that once acquired validly as per law, the land stands vested in the State free from all encumbrances, and even if it is not used for the purpose for which it was so acquired, the acquisition is not nullified.

In *Gulam Mustafa & Ors vs The State Of Maharashtra & Ors* 1976 (1) SCC 800, the Supreme Court held that once the original acquisition is valid and title has vested in the municipality which acquired it, how it uses the excess land is no concern of the original owner and cannot be a basis for invalidating the acquisition. This was reiterated in *V. Chandrasekaran & Anr Vs. Administrative Officer & Ors* 2012(12) SCC 133.

12) The Supreme Court has also deprecated practice of Judges, in exercise of power of judicial review, trying to perform executive functions and the Courts have been asked to exercise judicial restraint and to refrain from encroaching

into the executive or legislative domain.

In *Divisional Manager, Aravali Golf Club & Vs Chander Hass & Anr* 2008(1) SCC 683, it was observed that under our Constitution, Legislature, Executive and the Judiciary all have their own broad spheres of operation and ordinarily it is not proper for any of these organs of the State to encroach upon the domain of another; otherwise the delicate balance in the Constitution will be upset and there will be a reaction. It was stated that Judges must know their limits and must not try to run the Government and the Doctrine of Separation of Powers needs to be followed. It was reiterated that the Court must not embarrass the administrative authorities and must realize that administrative authorities have expertise in the field of administration while the Court does not.

13) In view of the above settled legal position and in the facts and circumstances of the case, we are of the opinion that the reliefs sought for in the Writ petition cannot be granted.

14) Accordingly, the writ petition fails and is dismissed. No costs.