
(2019) 12 JH CK 0009
In the Jharkhand High Court
Case No : Writ Petition (c) No. 991 of 2013

Ashutosh Giri

APPELLANT

Vs

Central Coalfields Limited And Ors

RESPONDENT

Date of Decision : 06-12-2019

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 18
Constitution of India, 1950 — Article 226

Citation : (2019) 12 JH CK 0009

Hon'ble Judges : Sujit Narayan Prasad, J

Bench : Single Bench

Advocate : Satish Kumar Ughal, Tapash Kabiraj, Swati Shalini

Final Decision : Dismissed

Judgement

This writ petition is under Article 226 of the Constitution of India, whereby and whereunder the petitioner has agitated the grievance about inadequacy of the quantum of compensation in lieu of the land acquired by the State Government in favour of the Central Coalfields Limited pertaining to Khata no.54, Plot no.598, comprising an area of 26 decimils, Mouza-Tarmi, Thana no.71 in the district Bokaro.

It is the admitted case of the petitioner that at the time of acquisition of land a notice under Section 4 of the Land Acquisition Act, 1894 was issued, in terms thereof, the then landlord Parmeshwar Giri contested the land acquisition proceeding which was concluded by passing award in L.A. Case No.08 of 1987-88, basis upon which the amount of compensation has been determined and the same has been accepted.

The petitioner, who happens to be the grandson of the original landlord namely Parmeshwar Giri, has filed this writ petition being dissatisfied with the quantum of compensation.

Counter affidavit has been filed by the respondents-CCL wherein the ground and

prayer sought for in the writ petition, has seriously been objected on the ground of acceptance of compensation by the original landlord namely Parmeshwar Giri.

It has been submitted by the learned counsel for the respondent-CCL that if the original title holder was having any grievance with respect to the quantum of compensation, the remedy as directed under Section 18 of the Land Acquisition Act, 1894 ought to have been resorted at the relevant time but having not done so which suggests that the original landlord had no grievance with respect to quantum of compensation, therefore, the petitioner being grandson cannot have a grievance with respect to the quantum of amount of compensation, therefore, the writ petition having no merit, hence the same may be dismissed.

She has also relied upon order passed by a Co-ordinate Bench of this Court in W.P.(C) No.974 of 2013.

This Court after having heard learned counsel for the parties and after going through the materials on record, has found the undisputed fact of the year 1987 and at the time of conclusion the name of grandfather of the petitioner namely, Parmeshwar Giri contested the proceeding and also accepted the amount of compensation after acquisition of the land in acquisition proceeding.

The petitioner, who happens to be the grandson of the original landlord namely Parmeshwar Giri, has filed the present writ petition questioning the quantum of compensation.

The question herein is that the issue pertaining to dissatisfaction of the quantum of compensation, can be agitated by the land losers as per the provision under Section 18 of the Land Acquisition Act, 1894 wherein provision has been made to make reference with reference to quantum of compensation.

The dissatisfaction with the quantum of compensation is to be agitated by the original raiyat/person who has received notice under Section 4 of the Land Acquisition Act, 1894, but as it appears from the counter affidavit of the respondent-CCL that the original landlord has not agitated any grievance with respect to his dissatisfaction with respect to quantum of compensation rather the petitioner after lapse of 26 years almost has filed the present writ petition questioning the quantum of compensation.

This Court in view of such undisputed fact, is of the view that the writ petition is not fit to be entertained for the reason of delay since the writ petition has been filed after lapse of 26 years, that too without explanation of delay and laches.

Secondly, on the ground that when the original raiyat/land loser has having no objection with respect to the quantum of compensation, the same is not available to be questioned by the grandson of original landlord, namely Parmeshwar Giri, who is the petitioner herein.

Thirdly, on the ground that a Co-ordinate Bench of this Court has already rejected the claim of the similarly situated persons vide order dated 19.06.2019

passed in W.P.(C) No.974 of 2013.

In view thereof, the writ petition stands dismissed.