
(2006) 04 JH CK 0059
In the Jharkhand High Court
Case No : WPC No. 695 of 2006

Chaudhari Prasad

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-04-2006

Acts Referred:

Land Acquisition Act, 1894 — Section 30

Citation : (2006) 04 JH CK 0059

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : A.K. Sahani, for the Appellant; Manjul Prasad, SC(L and C), for the Respondent

Judgement

M.Y. Eqbal, J.—Petitioner seeks direction upon respondent No. 3 to refund the entire compensation amount received during the pendency of reference proceeding u/s 30 of the Land Acquisition Act in Land Reference Case No. 59/03 pending before the Land Acquisition Judge, Hazaribagh.

2. Mr. A.K. Sahani, learned Counsel submitted that this fact has been brought to the notice of the Land Acquisition Judge by filing application in Land Reference Case No. 59/03. The court below took notice of the said fact and passed order dated 17.11.2005 which reads as under :

Petitioner takes step. O.P. takes step. Intervenor also takes step.

While the proceeding was being persuaded, it has come to my notice that award of this corresponding L.R. has not been sent by the Land Acquisition Officer alongwith the reference and the same is highly required for proper appreciation of the dispute involved in the proceeding.

In the circumstances, I direct the office to write a letter to the Distt. Land Acquisition officer, Hazaribagh for sending the award of L.A. case No. 5/2001-02 of village Kuju of Khata No. 92, Plot No. 1740 by the next date.

Yet another fact has been brought to my notice which calls for my attention that while this reference proceeding u/s 30 was pending before my court for deciding the title over the disputed land, the Distt. Land Acquisition Officer has released the compensation money in favour of a party.

By enlarge when the dispute is reference u/s 30 it is not proper for the Land Acquisition Officer to release the disputed money, unless the title is decided but it has not been done in this case.

This circumstance fully justifies to this Court to call for a report from the Distt. Land Acquisition Officer with regard to the manner and circumstances in which he has released the disputed money while the dispute was still pending before the court of competent jurisdiction for adjudication on being referred by the authority concerned. Office is directed to write a letter in this regard.

Put up on 24.11.05 for further step.

3. In my opinion therefore, it is the Land Acquisition Judge who will take appropriate steps in the matter by passing appropriate order. Petitioner should pursue the matter before the Land Acquisition Judge in accordance with law.

4. With the aforesaid observation, this writ application is disposed of. Let the copy of order dated 17.11.2005 produced by the counsel for the petitioner be kept on record.