
(2012) 11 JH CK 0116
In the Jharkhand High Court
Case No : WP (C) No. 978 of 2007

Danro Water Reservoir Project	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 01-11-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 4(A)

Citation : (2013) 3 JLJR 163

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : M.K. Habib, for the Appellant; Rajesh Mahatha, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner has come before this Court for a direction upon the respondents to rehabilitate the displaced persons in view of the rehabilitation policy passed by the Cabinet of Jharkhand on 11th September, 2006.

2. According to the petitioners, they are descendants of the original displaced persons, who were displaced on account of construction of Dhanro Water Reservoir Project in the District of Garhwa in the erstwhile State of Bihar. Counsel for the petitioner has relied upon a policy decision, brought on record by way of a rejoinder to the counter affidavit, Annexure-5, which is the policy decision of the State of Bihar framed in the year 1981 for the purposes of relief and rehabilitation under Memo No. 796 dated 21.2.1981.

3. On the other hand, respondent-State have appeared and filed their counter affidavit. It has been submitted on their behalf, on the basis of averment made in the counter affidavit that the Dhanro Water Reservoir Project was initiated in the year 1974-75 to construct a small dam across the river Dhanro at Dhurki Block in Garhwa District, during which some villages i.e. Bhandar, Tatidiri, Ketma and Panghatwa came under submergence area. It is further submitted that the

scheme was completed in the year 1985 and compensation to the displaced persons of Panghatwa village were granted against their lands and houses in the year 1978-79. It is further submitted that in accordance with the rehabilitation policy approved by the State Government in the year 1981 for Chotanagpur and Santhal Pargana, preference was given for employment in any Government services to a person of 18 years of age and above to each family in Class-IV and Class-III at the time of publication of Section 4(A) of the Notification under the Land Acquisition Act, 1894. It is further submitted that in due course only two persons could be employed, however, the petitioners, who are sons and grandsons of the displaced persons, are seeking employment by virtue of the present writ petition preferred in the year 2007. Although the petitioners have relied upon a letter dated 9th July, 2005 but such rehabilitation policy is not meant for sons and grandsons of the displaced persons' family and no decision has also been taken thereafter. It is submitted that provision for relief and rehabilitation is a matter of policy decision, this Court would restrain from interfering, as has been repeatedly held by the judgment of the Hon'ble Supreme Court as well. In these circumstances, the respondents submits that the claim of the petitioner is not tenable in law as well as on fact and no relief can be granted.

4. On the submission of the parties and going through the relevant documents on record, it appears that the project for construction of Dhanro Water Reservoir Project was completed in the year 1985 and compensation were granted to the displaced persons including the ancestor of the present petitioner in the year 1978-79 and even thereafter. However, the present petitioner in the year 2007, after almost 22 years of the completion of the project, has come before this Court seeking employment. The matter relating to employment under Relief and Rehabilitation is in the realm of policy decision of the Government and in the instant case compensation has already been granted to the displaced persons as far back as in the 1978-79 and in the 1980's. The writ petition also is belated one. It also appears that the Government has not come out with such a policy decision to grant employment to the descendants of the displaced persons' family.

5. In the totality of circumstances, therefore, this Court does not find any ground to interfere under Article 226 of the Constitution of India and the relief, prayed for, cannot be granted to the petitioner under extraordinary jurisdiction of this Court. This writ petition is, accordingly, dismissed.