
(2019) 12 JH CK 0101
In the Jharkhand High Court
Case No : Civil Revision No. 9 Of 2015

Deodhari Gope And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 06-12-2019

Acts Referred:

Citation : (2019) 12 JH CK 0101

Hon'ble Judges : H.C. Mishra, J

Bench : Single Bench

Advocate : Pradeep Kumar Prasad, Rahul Kumar Gupta, Achinto Sen, Dr. Ashok Kumar Singh, Jagdeesh, Amrita Kumari, Bishwasi Gari

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioners and learned counsel for the State, as also learned counsel for the RIADA.

2. The petitioners are aggrieved by the order dated 04.01.2014, passed by the by the learned Sub-Judge-II, Hazaribagh, in L.R Case No.62 of 2003,

whereby the prayer of the petitioners for amendment / modification / correction in the Award passed by the Court in L.R Case No.62 of 2003, has not

been entertained, as the records were sent to the High Court in the pending First Appeal.

3. Admittedly, the lands of the petitioners measuring 8.91 acres were acquired vide Notification No. 147 dated 16.09.1995 by the State Government.

The petitioners were also paid the compensation @ Rs.8000/-per acre, and in all Rs.1,18,324/- were paid to the petitioners, as is apparent from

Annexure-A to the supplementary counter affidavit filed on behalf of the State, as also from the Award passed by the Land Acquisition Court, i.e., the

Sub-Judge-II, Hazaribagh in L.R Case No.62 of 2003.

4. Upon objection raised by the petitioners to the rate of acquisition, i.e., Rs. 8000/- per acre, the matter was referred to the Land Acquisition Court,

and the Award was passed by the Land Acquisition Court, which has been brought on record as Annexure-1 to this application, which shows that the

amount of compensation of the acquired land were determined at the flat rate of Rs. 1,618/- per decimal.

5. The dispute in this case relates to the fact that though in all, 8.91 acres of land were acquired by the State Government, but the reference was

made only with respect to 0.91 acres of land, which was apparently a mistake committed on the part of the Land Acquisition Officer. The application

was filed for rectification of the Award before the Sub-Judge-II, Hazaribagh, in L.R Case No. 62 of 2003, but since the L.C.R was sent to the High

Court in the pending First Appeal No.45 of 2010, the application was not entertained by the Trial Court below. It is an admitted position that the said

First Appeal has since been dismissed.

6. By order dated 01.03.2019, learned counsel for the State was directed to file a detailed counter affidavit in the matter, to show as to how and in

what circumstances, when 8.91 acres of land were acquired by the State Government, the reference was made only with respect to 0.91 acres of

land.

7. A Supplementary counter affidavit has been filed on 13.8.2019, in which in paragraphs 7 & 8, it is admitted that actually 8.91 acres of land were

acquired, but there was an apparent clerical inadvertent mistake committed in sending the reference with respect to 0.91 acres of land only, at the

place of mentioning 8.91 acres of land, that was actually acquired. In other words, in the said supplementary counter affidavit, the case of the

petitioners is admitted by the State Government.

8. Since the First Appeal has also now been dismissed, it is assumed that the L.C.R. must have been sent back to the Trial Court below, i.e., the Court

of Sub-Judge-II, Hazaribagh. If it has not been sent, the office shall ensure that the L.C.R of L.R Case No. 62 of 2003, called for in First Appeal

No.45 of 2010, is sent back to the Trial Court below forthwith.

9. In view of the admitted mistake committed by the Land Acquisition Officer, the respondent State is directed to file necessary application for

correction of the Award, within a period of two months from today, mentioning about the reference with respect to actual area of the acquired land, measuring 8.91 acres, and the Court below, upon such application, shall make necessary corrections in the Award with respect to the actual measurement of the land acquired, and also the compensation amount in the Award, with respect to the entire area of 8.91 acres of land, at the same rate fixed by the Court, i.e., @ Rs.1,618/- per decimal, within the further period of two months thereafter, treating the mistake to be a clerical error only.

10. This revision is disposed of, with the directions as above.

11. Let a copy of this order be handed over to the learned counsel for the State for the needful.