
(2017) 01 JH CK 0167
In the Jharkhand High Court
Case No : 5668 of 2016

Dilip Kumar Singh s/o Late Yogendra Narayan Singh	APPELLANT
Vs	
The State of Jharkhand	RESPONDENT

Date of Decision : 10-01-2017

Acts Referred:

[Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013](#), [Section 21\(4\)](#)
[Section 21\(2\)](#)

Citation : (2017) 01 JH CK 0167

Hon'ble Judges : Aparesh Kumar Singh

Bench : SINGLE BENCH

Advocate : A. K. Sahani, Anshuman Kumar, Shailesh

Final Decision : Disposed

Judgement

1. Heard learned counsel for the petitioners, RespondentState and Intervenor.
2. The grievance of the petitioners is in the matter of computation of compensation as the names of intervenors in Land Acquisition Case no. 25 of 201617 have been included by the Collector as per notice issued under Section 21(2) and 21(4) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Petitioners contend that the Collector has erroneously included the name of intervenorsapplicants in the category of "interested person" while undertaking the exercise of measurement and dealing with objections thereof in the land acquisition proceeding. Petitioners have therefore made an objection vide Annexure5 before the Collector i.e. Land Acquisition Officer, Giridih, Respondent no. 3. Petitioners have also enclosed the notice at Annexure6 bearing no. 1249 dated 31st August, 2016 issued by respondent no. 3 asking them to appear on 19th September, 2016 with supporting documents. According to the petitioners, they have already furnished copies of the document in support of their claims. Counsel for the intervenorapplicant submits that in the process acquisition being made for the

purposes of railways the applicants are essential parties. That is why notices have been issued upon them also under Section 21(2) and 21(4) of the Act of 2013.

3. Counsel for the Respondent State submits that the Collector under the Act has proceeded in terms of the provisions of Section 21 giving notice to persons interested. It has power to conduct an inquiry on the objection made under Section 23 of the Act. After deciding the objections in respect of respective interests of the persons claiming the compensation and rehabilitation and resettlement about true area of the land, the compensation to be determined and apportionment of the said compensation among all the persons known or believed to be interested an award has to be declared in terms of Section 25 of the Act. Therefore, this Court may not interfere in the matter at this stage when the statute provides for a complete procedure.

4. I have considered the submission of the parties and the relevant facts noticed hereinabove. It is evident from the narrated facts referred hereinabove that the Collector has not passed any award in the Land Acquisition Proceeding no. 25 of 2016/17. The proceedings are at the stage of taking decision on the objection of the interested persons, petitioner or the other persons to whom notices have been issued under Section 21(2) and 21(4) of the Act were required to raise their objections and seems to have done so. The Collector as is obliged in law would consider their objections in terms of provisions of the Act after due scrutiny of all relevant documents produced on their behalf. Therefore, without interfering in the matter at this stage, it is being disposed of to enable the private parties to approach the respondent no 3, Collector in the land acquisition proceeding for pressing their objections in terms of notice under Sections 21(2) and 21 (4) of the Act. The Collector shall proceed to determine objections, if not yet determined and thereafter declare the award.

5. The writ petition is disposed of accordingly.