
(2021) 04 JH CK 0032

In the Jharkhand High Court

Case No : Writ Petition(C) No. 4028 Of 2020

Gurwa Khadiwal @ Gurucharan Khandwal

APPELLANT

Vs

State Of Jharkhand And Ors Vs State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 06-04-2021

Acts Referred:

Citation : (2021) 04 JH CK 0032

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : Saibal Mitra, Mohan Kumar Dubey

Final Decision : Disposed Of

Judgement

The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for issuance of direction upon the respondents to pay compensation to the petitioner for the land appertaining to Khata No. 28, Plot Nos. 93, 170, 171, 172, measuring an area of 0.51 acre of Mouza-Tangrani, P.O. & P.S.- Ghatshila, Thana No. 1513, District-East Singhbhum, which has been acquired for the purpose of Subarnrekha Project and award no. 9 amounting to Rs. 2,66,128/- has also been prepared in favour of the petitioner in Land Acquisition Case No. 184/2014-15. In alternative, the petitioner has also prayed for issuance of direction upon the respondent no. 3 - the Special Land Acquisition Officer No. 3, Subarnrekha Project, Mango, East Singhbhum to dispose of his representation dated 12.11.2020 (Annexure-3 to the writ petition), wherein he has requested for payment of compensation awarded to him for acquisition of the land in question.

2. The learned counsel for the petitioner submits that the aforesaid land of the petitioner has been acquired by the respondents for the purpose of Subarnrekha Project. The respondent no. 3 initiated Land Acquisition Case No. 184/2014-15 in which the award was also prepared in the name of the petitioner and a notice was issued to him to appear on 22.06.2017 along with the relevant documents

including the document of identification for receiving the awarded amount of Rs. 2,66,128/-. The grievance of the petitioner is that though he appeared on the said date as per the given direction, however, no action thereafter was taken by the respondents for payment of compensation amount as awarded in his favour for acquisition of the land in question. The petitioner represented before the respondent no. 3 on 12.11.2020 raising the said grievance, however, the same remained unresponded, which has compelled the petitioner to prefer the present writ petition

3. Mr. Mohan Kumar Dubey, AC to AG appearing on behalf of the respondents, submits that if the petitioner prefers a fresh representation before the respondent no. 3, an appropriate decision within a timeframe shall be taken by the said respondent.

4. Having heard the learned counsel for the parties and keeping in view the nature of prayer made in the writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation before the respondent no. 3 on the present issue. On receipt of the said representation, the respondent no. 3 after providing due opportunity of hearing to the petitioner/his representative, shall take an appropriate informed decision in accordance with law within a period of two months from the date of filing of the representation. If the respondent no. 3 finds that the petitioner is the awardee in relation to the land in question and there is no other legal impediment, the due compensation amount shall be paid to him within the aforesaid period.

5. The writ petition is accordingly disposed of with aforesaid liberty and direction.