

(2013) 07 JH CK 0210

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 3209 of 2010

Hikim Chandra Mahto

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 31-07-2013

Acts Referred:

Citation : (2013) 4 AJR 291

Hon'ble Judges : Prakash Tatia, C.J.;Jaya Roy, J

Bench : Division Bench

Advocate : A.K. Sahani, for the Appellant; Jai Prakash, AAG, for the Respondent

Judgement

1. The Engineer-in-Chief, Water Resources Department, Government of Jharkhand and Administrator, Subarnrekha Multipurpose River Valley Project, Adityapur are present in Court along with learned AAG, Sri Jai Prakash. Heard learned counsel for the parties.

2. Learned counsel for the petitioner drew our attention towards the few facts, which are required to be taken note of. The State Government decided to construct "Chandil Dam" and accordingly "Subarnrekha Multipurpose River Valley Project" was started in the year 1977 and land in question was also acquired in the year 1977. It is not in dispute that some persons were to be displaced for construction of the dam and for the use of the land for the said project. The land was acquired and large number of persons were displaced, which are running in thousands. It was also decided that those displaced persons will be rehabilitated. The allegation of the petitioner is that according to him this project was totally failure as from this dam no water was made available for irrigation nor electricity has been generated. It is submitted that even after having a decision of rehabilitation and appointment of 20 Rehabilitation Officers during this period, yet the displaced persons have not been rehabilitated till 2013.

3. Learned AAG Sri Jai Prakash submitted that total 12556 persons/families have been rehabilitated and only 2375 persons/families have not been rehabilitated

but for them there are some reasons. It is submitted that some of the matters are pending in the Court because of the several claims among the claimants. In some of the matters the displaced persons could not produce the details of the area which have been acquired from them and there are few more reasons. So far as allegation of non-generation of the electricity from the Dam and non-supply of the water for irrigation are concerned, these allegations are required to be answered by the respondents as these have been raised today during arguments whereas in the order dated 5th February, 2013 Court directed the State Government to explain why more land is required when according to the respondents dam has already been completed.

4. Be that as it may be, it is shocking that displaced persons are searching for their shelter since 1977 and it is irrelevant that 12556 persons/families have been rehabilitated because that was the duty of the Government and not the charity, if they did so they were bound to do so. If any family/person has not been rehabilitated since 1977 it is very serious matter but in this case 2375 persons/families yet have not been settled in almost more than 35 years of their displacement. During this period their families must have grown and because of that delay only there may have been several double claims for the benefits of displacement and, therefore, all these disputes are creation of the State Government only.

5. So far as area which was acquired from the land holder is concerned that record is with the State Government and State Government cannot demand details of the land acquired from the particular persons after such a long delay.

6. However, we want to know the progress of rehabilitation. Therefore, we direct that the persons/families whose matters are not pending in any Court then those matters may be taken up expeditiously and those persons/families be rehabilitated within a period of two months from today. In case of non-rehabilitation of those families within stipulated period of time for no valid reasons, the Court may impose heavy cost upon the officers concerned who is responsible for rehabilitating the displaced persons. The Rehabilitation Officer may also take help of the District Legal Services Authority for settling the matters amicably wherein the parties may co-operate and take the fruits, for which they were entitled for 35 years ago. If the matters are not settled through the District Legal Services Authority, then also the Officers concerned shall proceed to decide the matter in accordance with law.

7. The State is further directed to submit an affidavit disclosing that what was the date of acquisition of land, date of commencement of work for the purpose of dam and infrastructure, what was the date for completion of the dam and infrastructure, what was the date for commission of the electricity generation, what was the date for making water available for irrigation, what was the quantum of the water to be provided for irrigation from this dam, what was the quantum of the electricity supposed to be generated by the dam, what is the position of today with respect to giving of water for irrigation obviously its

quantum as well as of the electricity and how much electricity is being generated.

8. Put up this case on 27th September, 2013. Personal appearance of the officers concerned, who are present in Court today are dispensed with. However, they will have to remain present whenever they will be called to see progress for rehabilitation of the displaced persons. Copy of this order be given to learned counsel for the petitioner as well as to learned counsel for the State.