

(2009) 02 PAT CK 0156
In the Patna High Court
Case No : CWJC No. 1873 of 2009

Jai Narayan Prasad

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 06-02-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 41

Citation : (2009) 2 PLJR 838

Hon'ble Judges : Mihir Kr. Jha, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mihir Kr. Jha, J.—Heard Mrs. Sheela Sharma, learned counsel for the petitioner and the counsel for the State. The grievance of the petitioner in this case is that when his land has been acquired by respondents No. 8 to 10, Bharat Petroleum Corporation, it is bound to provide employment to the petitioner in terms of some executive policy decision of the State Government of Bihar.

2. This Court has examined the materials on record and would find that there is no binding agreement between the Government and Bharat Petroleum Corporation that the land for the Corporation would be acquired only when the land oustees will be provided job by the Corporation. The circular of the Government, as contained in Annexure-1 dated 15th January, 1977 also only envisages that the Central Government had expected the State Government to consider the desirability of implementing policy for giving at least job to a person in the family whose land is acquired. Such circular of the Central Government will definitely not vest a right in any person unless there is a statutory right created in the land oustees. The only provision for land oustees is to claim compensation under the Land Acquisition Act which does not provide for also giving job by the acquiring authority. Part-VII of the Land Acquisition Act meant for acquisition of land for companies does envisage the terms and conditions for such acquisition in terms of an agreement u/s 41 of the Act but then nothing is on record to show

that the acquisition of land for Bharat Petroleum Corporation is under Part-VII of Act or that the corporation had agreed to give job to the land oustees.

3. That being so, if there is no statutory right available to the petitioner, he cannot claim any relief from this Court on the basis of the circular of the Government. This application is therefore wholly misconceived and is accordingly dismissed.