
(2017) 02 JH CK 0076
In the Jharkhand High Court
Case No : W.P. (C) No. 5651 of 2005

Kartik Sah

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 02-02-2017

Acts Referred:

Land Acquisition Act, 1894 — Section 18, Section 4

Citation : (2017) 1 JBCJ 631

Hon'ble Judges : Mr. Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Mr. Lakhan Chandra Roy, Advocate, for the Petitioner; JC to SC (L and C), for the Respondent-State

Final Decision : Dismissed

Judgement

Mr. Aparesh Kumar Singh, J.— Heard learned counsel for the petitioner and the State.

2. Petitioner has assailed the notification no. 10/DLA/Deoghar- 18/04-515/ORA Ranchi dated 09.07.2005 relating to acquisition of certain land in which petitioner claims ownership and title over the plot no. 856 area 61 decimals of Khata No. 267 alleging it to be in disregard of the provisions of law.

3. Petitioner alleges that the respondent authorities resorted to pick and choose method to acquire his land for establishing Shaheed Sthal where three freedom fighters (soldiers) were hanged to death in the year 1857 by the British. Petitioner contended that though till date land has not been acquired but the respondent authorities were in the process of acquiring it for beautification and construction of Shaheed Sthal. Annexure- 4 notice is also impugned.

4. When the stand of the respondent remained inconclusive in spite of filing of first counter affidavit dated 03.01.2006, they were asked to file supplementary counter affidavit. Supplementary counter affidavit filed on 02.12.2016 clearly shows that petitioner had refused to accept compensation of Rs. 1490.78/- in

Land Acquisition Case No. 10/04-05 and also made application for reference under Section 18 of the Land Acquisition Act, 1894 before the Collector. Reference has also been made to the Court under Section 18 of the Act in L. A. Case No. 10/04-05 as per enclosed annexures at page-17 and 18 by the District Land Acquisition Officer, Deoghar. Annexure-B series is the letter dated 29.03.2007 enclosing the reference to the learned District and Sessions Judge, Deoghar by the respondent no. 5, District Land Acquisition Officer, Deoghar.

5. On the face of these facts brought on record, petitioner can now only resort to the remedy provided under the Act of 1894 by pursuing the Reference Case, if at all pending before the Land Acquisition Court, Deoghar. These contentions raised by the petitioner that acquisition is in violation of statutory provision is also not made out. The acquisition being complete and the amount of award having been deposited in the Treasury on refusal to accept by the petitioner, petitioner is at liberty to approach the District Land Acquisition Officer, Deoghar for release of the same or to await outcome of the reference made under Section 18 of the LA Act, 1894, if not yet decided, for availing any enhanced compensation as may be awarded by the Land Acquisition Court. No interference can be made in such circumstances in the writ petition. It is accordingly dismissed with the aforesaid observations.