
(2011) 01 JH CK 0021

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4003 of 2004

Laxmipati Mahato and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-01-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2011) 2 JCR 36

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Mr. H.K. Mahto, learned Counsel appearing for the Petitioners submitted that the award was prepared in the name of wrong persons. Petitioners objected. Such objection was found correct and order was passed on 07.09.1996 in L. A. Case No. 2 of 1991-92 by Land Acquisition Officer, Sadar Chaibasa to correct the award and recover the amount paid wrongly. The said amount Rs. 4,65,347.68/- was recovered as will appear from order dated 02.04.1997, but thereafter no action has been taken by the concerned Respondents for correcting the award and paying the said amount to the Petitioners in spite of repeated requests. He further submitted that so far as one deed of the year 1993, area of 1.03 acre under khata No. 54 is concerned, Petitioners were in possession of the same land from very beginning, but only sale-deed was executed in the year 1993. However, if the authority was not satisfied, the matter could have been referred u/s 18 of the Land Acquisition Act. He further submitted that though now the award has lapsed and Petitioners are entitled to recovery of possession of land, but Petitioners will be satisfied if the order dated 07.09.1996 is complied and the amount which should have been paid to the Petitioners in April 1997 itself is paid along with the compensatory/equitable interest. He further submitted that after the award is corrected, Petitioners if so advised, may move appropriate forum for enhancement of compensation etc.

2. On the other hand, Mr. Sarvendra Kumar, learned Counsel appearing for the State could not show anything brought on the record by which it can be seen that the said order dated 07.09.1996 was complied by correcting the award and paying the returned amount to the Petitioners. However, it is said in the counter-affidavit that some amount was paid to the Petitioners, but on this, Mr. Matho submitted that without correcting the award how any amount could be paid and that actually such amount was paid for other land.

3. Mr. Poddar, learned Counsel appearing for the Usha Martin-Respondent No. 3 submitted that the company has paid the entire amount against acquisition as per the order of the competent authority.

4. In the circumstances, the Petitioners are permitted to file representation before the District Land Acquisition Officer, Seraikella-Kharsawan (Respondent No. 2) along with relevant documents, who will look into the matter. If he finds that the award has not been corrected as yet in terms of the said order dated 07.09.1996 and the awarded amount has not been disbursed, he will see that corrected award is prepared and the amount is paid to the persons legally entitled to receive the same as early as possible and preferably within a period of two months from the date of filing representation by the Petitioners. Further if he is satisfied that the Petitioners are the persons, legally entitled to receive the amount and they are not at fault if the award was not corrected and the amount was not paid to them, he will also pass orders for payment of simple interest @ 6% per annum, on awarded amount from October 1997 till the date of payment. The awardnees will be at liberty to move against the award before appropriate authority/forum.

5. With these observations and directions, this writ petition is disposed of.