
(2020) 09 JH CK 0042

In the Jharkhand High Court

Case No : Writ Petition(C) No. 2440 Of 2019

Madan Mohan Dubey And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 03-09-2020

Acts Referred:

Citation : (2020) 09 JH CK 0042

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : Devesh Krishna, Amrit Raj Kisku

Final Decision : Disposed Of

Judgement

1. The present case is taken up through video conferencing.
2. The present writ petition has been filed for issuance of direction upon the respondents to include the name of the petitioners in the list prepared through Census survey of the village under submergence of North Koyal (Mandal Dam) Project, Jharkhand and to grant package of Rs.15 Lacs to the petitioners. Further prayer has been made for issuance of direction upon the respondents to make payment of compensation along with suitable interest to the petitioners for acquisition of their land situated at village Chemo, District- Garhwa which was acquired for the purpose of Kutku Reservoir Scheme under North Koyal (Mandal Dam) Project in Palamau District (now in Garhwa District). Some related prayers have also been made such as: issuance of displacement card in favour of the petitioner no. 1 and inclusion of the petitioners' name in the list of the beneficiaries under the Jharkhand Rehabilitation and Resettlement Policy, 2008 & 2012 so as to enable them to get Rs.1.5 Lacs for house construction, Rs.2.25 Lacs for self-employment and Rs.72,000/- for life subsistence as well as to provide government employment to the son of the petitioner no. 1 under the said policy.
3. Learned counsel for the petitioners submits that the land belonging to the

father of petitioner no. 1 situated at village- Chemo in Palamau District (now in Garhwa District) was acquired through Land Acquisition Case No. 07 of 1978-79 and Land Acquisition Case No. 09 of 1978-79 by the Special Land Acquisition Officer, North Koyal Project, Daltaonganj, Palamau (the respondent no. 8) for the purpose of Kutku reservoir Scheme under North Koyal Project in Palamau District (presently in Garhwa District). Similarly, the land belonging to the father of the petitioner no. 2 situated in village- Chemo, District- Garhwa was acquired by the respondent no. 8 through Land Acquisition Case Nos. 4/78-79, 06/78-79, 07/78-79 and 09/78-79 for the purpose of the aforesaid project. The grievance of the petitioners is that though part payment of compensation has been made for acquisition of some land, yet payment of several other land including Gair-Mazurwa land has remained unpaid. About 634 families of 15 villages were declared displaced under Kutku Reservoir Scheme under the Jharkhand Rehabilitation and Resettlement Policy, 1981. The land and houses of the petitioners/their predecessors-in-interest were acquired under the said scheme and as per the rehabilitation notification issued in the year 1973 and onwards, they were subsequently displaced from their land and houses and were compelled to settle somewhere else due to which their livelihood also got adversely affected. It is further submitted that under the similar project i.e. Batane Reservoir Project, the displaced persons have been provided Rs.1.5 Lacs for house construction, Rs.2.25 lacs for self- employment and Rs.72,000/- for life subsistence under the Bihar/Jharkhand Rehabilitation and Resettlement Policy of the year 1981, 1988, 2003 and 2012. It is also submitted that the list of the beneficiaries under the North Koyal (Mandal Dam) Project has also been prepared, who would be granted the benefits under the applicable scheme. However, the petitioners and their family members have not been included in the said list. Though the petitioners have made representations before the respondents for redressal of their grievance, yet the same have not been responded. Learned counsel for the petitioners further submits that similarly situated persons have filed writ petitions before this Court being W.P.(C) No. 2415 of 2019 (Bhanu Pratap Singh & Ors. Vs. The State of Jharkhand & Ors.) and W.P.(C) No. 2643 of 2019 (Chandra Prabhakar Singh & Ors. Vs. The State of Jharkhand & Ors.) which were disposed of by this Court vide orders dated 06.01.2020 and 01.06.2020 respectively and hence the present writ petition may also be disposed of in terms with the directions given by this Court in the aforesaid writ petitions.

4. Mr. Amrit Raj Kisku, learned A.C. to S.C.-VII, accepts the said fact that the prayer made in the present writ petition is similar to the prayers made in W.P.(C) No. 2415 of 2019 and W.P.(C) No. 2643 of 2019.

5. Having heard learned counsel for the parties and keeping in view the nature of the prayer made in the present writ petition, without entering into the merit of the case, the petitioners are given liberty to file fresh representation(s) before the respondent no. 8 along with the relevant documents in support of their claim. On receipt of such representation(s), the respondent no. 8, after calling for the

relevant records and on making proper enquiry as well as on providing due opportunity of hearing to the representative(s) of the petitioners, shall take an appropriate decision in accordance with law in the matter within a reasonable period.

6. The present writ petition is accordingly disposed of with the aforesaid liberty and direction.