
(2018) 06 JH CK 0035

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3969 of 2009

Maina Devi And Ors.

APPELLANT

Vs

Bharat Coking Coal Limited

RESPONDENT

Date of Decision : 19-06-2018

Acts Referred:

Coking Coal Mines (Nationalization) Act, 1972 — Section 4

Public Premises (Eviction of Unauthorized Occupants) Act, 1971 — Section 2(g)

Citation : (2018) 06 JH CK 0035

Hon'ble Judges : SHREE CHANDRASHEKHAR, J

Bench : Single Bench

Advocate : Bhaiya Vishwajeet Kumar, Anoop Kumar Mehta, Amit Kumar Sinha

Final Decision : Dismissed

Judgement

1.The petitioners are aggrieved of order dated 20.06.2009 passed in Misc. Appeal No.96 of 1988 by which the order passed by the Estate Officer has

been set-aside and the petitioners have been directed to vacate the land in question within one month from the date of the order.

2. Plea taken by the petitioners is that by virtue of registered sale-deeds dated 16.02.1970 and 09.06.1970 they have acquired right, title and interest

over the land in question and by operation of section 4 of Coking Coal Mines (Nationalization) Act, 1972 the land in question would not vest in the coal

company. The issue raised by the petitioners is a pure question of law which has already been decided by the Supreme Court in â??Bharat Coking

Coal

Limited vs Madanlal Agrawalâ? reported in AIR 1997 SC 1599. The appellate authority in its order dated 20.06.2009 has noticed that in Appeal

No.69/1995(R) this Court has held that by operation of law, the lands mentioned

in the schedule to the Coking Coal Mines (Nationalization) Act, 1972

have vested in the coal company with effect from 01.05.1972. On this basis, the appellate authority has held that the land in question is a public land

and the respondents were unauthorized occupants falling within section 2(g) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

3. In the above facts, finding no infirmity in the impugned order dated 20.06.2009, the writ petition is dismissed.Â Â Â