

(2023) 04 JH CK 0039

In the Jharkhand High Court

Case No : Writ Petition (C) No. 837 Of 2023

Muneshwar Sahu

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 19-04-2023

Acts Referred:

Citation : (2023) 04 JH CK 0039

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Anjani Kumar Verma, Sweety Topno

Final Decision : Disposed Of

Judgement

Anubha Rawat Choudhary, J

1. Learned counsel for the parties are present.

2. This writ petition has been filed for the following reliefs:-

"For direction to the respondents for not dispossessing the petitioner from his only residential house situated in Mouza-Khora, Khata No. 252, Plot No. 3985, Area-05 Decimal, which is going to be acquired for further 2/4 Laning Road Construction/ Widening of NH No. 23 from Palma to Gumla, without making payment of any compensation of the only residential house of the petitioner as per the Govt. direction issued vide Govt. Letter No, 607 dt. 8.8.2016 (Annexure-6) as well as Govt. Letter No. 685 dated 23.12.2019 (Annexure -7) issued by the Secretary, Revenue, Registration and Land Reforms Department. Jharkhand, Ranchi (Resp.No.2) in most illegal and unconstitutional manner.

ii) For further direction to the respondents for calculating /making payment of compensation of the only residential building of the petitioner after measurement etc. as per the Govt. direction issued vide Govt. Letter No. 607 dated 8.8.2016 (Annexure-6) as well as Govt. Letter No. 685 dated 23.12.2019 (Annexure-7) issued by the Secretary, Revenue, Registration and Land Reforms Department,

Jharkhand, Ranchi (Resp.No.2) as per the market rate with interest taking final decision on the representation dated 7.1.2023 (Annexure-4) as well as dated 10.1.2023 (Annexure-5) filed by the petitioner before the Resp. No. 4 and 3 respectively.

3. Primarily, the petitioner is aggrieved by the fact that the respondents are going to acquire further land in which the house of the petitioner has been constructed. The learned counsel for the respondents has submitted that there is no question of any acquisition as the property belongs to government. She has also submitted that house of the petitioner has already been demolished, therefore the prayer of the petitioner indicating that the property is going to be acquired is totally misconceived.

4. In response, learned counsel for the petitioner has submitted that the land was already settled in favour of the petitioner and he has right, title and interest over the property involved in the present case.

5. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this court is of the considered view that the nature of dispute which has been projected by the learned counsel for the parties cannot be adjudicated under writ jurisdiction. However, it will be open to the petitioner to have his remedies in accordance with law.

6. This writ petition is accordingly disposed of.