

(2006) 07 JH CK 0095
In the Jharkhand High Court

Pran Kumar Dubey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 26-07-2006

Acts Referred:

Citation : (2006) 4 JCR 636

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, A.C.J.

1. This application has been preferred by petitioner for a direction on the respondents to settle 6 decimals of land in his favour, he being a refugee of East Bengal (now Bangladesh).

2. Counsel for the State was asked to file affidavit whether any scheme for rehabilitation of refugee has been framed by the State/Union of India or not. In spite of specific question no specific reply in this regard has been filed by the State. The only plea being taken by the respondents is that the father of the petitioner, late Garib Dubey was provided with a barrack.

3. Counsel for the petitioner submitted that the barrack of one room was given to each of the refugees of East Bengal who had settled in the Chousagari Area of Deoghar Town. Three decimals of land in front of the barrack and three decimals of land in the back portion of the barrack total six decimals as available with the barrack have been settled with all other refugees but no such settlement has been made in favour of the petitioner.

4. The respondents in their counter affidavit have not disputed that the lands have been settled by the respondents in favour of other refugees who are similarly situated and they have also not disputed that petitioner is one of the refugees who came along with his father.

5. In the facts and circumstances, the case is remitted to the Deputy

Commissioner, Deoghar to decide the claim of the petitioner for settlement of 6 decimals of land. Three decimals of which are in front of the barrack and rest three decimals are on the back portion and the barrack have already been settled in favour of the father of the petitioner. A decision in this regard be taken and communicated to the petitioner within a period of three months from the date of representation as may be preferred by the petitioner.

6. It will be open to the petitioner to give the details of settlement made in favour of other similarly situated persons including their name, address etc. The Deputy Commissioner, Deoghar may also enquire into the matter. However, if any land has already been settled in favour of the father of the petitioner, the Deputy Commissioner, Deoghar will give the description of the land and may refuse the claim.

7. The writ petition stands disposed of with the aforesaid observations and directions.