

(2016) 08 JH CK 0003

In the Jharkhand High Court

Case No : Writ Petition (C) Nos. 2378, 3169 of 2014 with W.P.(C) No. 2659, 2955, 3211, 3477 & 3487 of 2015

Rahul Oraon

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 01-08-2016

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24(2)

Citation : (2017) 1 AIRJharR 704 : (2016) 4 JBCJ 22

Hon'ble Judges : Mr. Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Mr. Jorong Jedan Sanga, Advocate, for the Petitioners; M/s. Atanu Banerejee, GA, Bhawesh Kumar, SC-II, Suman Kr. Ghosh, JC to GA, Ravi Kumar, JC to SC-II, for the Respondent/State; Mr. Rajiv Ranjan, Senior Advocate, for the Respondent/HEC; Mr. Binit Chand

Final Decision : Dismissed

Judgement

Mr. Aparesh Kumar Singh, J.—Matter has been adjourned six times before, most of the times at the behest of the petitioners. On the last occasion, it was by way of last indulgence to enable the counsel for the petitioners to file supplementary affidavit to supplement their averments made in the writ petitions by cogent and convincing documents.

2. Primarily, the grievance of the petitioners is in relation to acquisition proceedings of the year 1960-61 for establishment of Heavy Engineering Corporation in the vicinity of township of Ranchi at Dhurwa. Petitioners have approached this Court in the year 2014 with a prayer to de-notify the land situate in the respective villages.

3. In all these cases, petitioners claim that the lands mentioned in the pleadings were the subject matter of Land Acquisition Case Nos. 232/60-61 and 2/60-61 in WPC Nos. 2378/2014, 2659/2015, 2955/2015 and WPC 3477/2015 and Land

Acquisition Case Nos. 61/59-60 and 71/59-60 in WPC Nos. 3169/2014 and Land Acquisition Case Nos. 6/60-61 and 17/61-62, 20/58-59, 48/58-59 and 11/83-84 in WPC No. 3211.2015 and WPC No. 3487/2015 for the purposes of setting up of Heavy Engineering Corporation. They have tried to set up a case that the physical possession of the lands in question have never been taken despite process of acquisition having been completed long ago. They relied upon the provisions of the Right To Fair Compensation And Transparency In Land Acquisition Rehabilitation And Resettlement Act, 2013, specifically Sub-section 24(2) to seek release of their lands as acquisition thereto should be treated to have lapsed in such circumstances.

4. As a matter of fact, neither is the Notification of acquisition on record, nor are the relevant proceedings of the Land Acquisition Cases on record to support the averments in the writ petitions for the aforesaid relief. That was the reason for the petitioners to seek adjournment for supplementing their averments by cogent and convincing documents. On the previous date also, taking note of insufficient pleadings and supporting cogent and convincing documents, matter was adjourned by way of last indulgence. Petitioners have not been able to file such affidavit along with supporting documents. The very issue therefore cannot be effectively examined in the present state of pleadings in these matters. Therefore, writ petitions are being dismissed with a liberty to the petitioners to approach the Court with all relevant facts, pleadings and material particulars along with supporting documents.