
(2019) 12 JH CK 0067
In the Jharkhand High Court
Case No : Writ Petition (C) No. 4206 Of 2014

Raj Kumar Rahi	Vs	APPELLANT
State Of Jharkhand And Ors		RESPONDENT

Date of Decision : 04-12-2019

Acts Referred:

Land Acquisition Act, 2013 — Section 24(2), 41
Constitution Of India, 1950 — Article 226

Citation : (2019) 12 JH CK 0067

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Manoj Prasad, S.K. Sharma, Monalisa Singh, Subhash Chandra Prakash

Final Decision : Disposed Of

Judgement

1. Heard Mr. Manoj Prasad, the learned counsel appearing on behalf of the petitioners, Mr. S.K. Sharma, the learned counsel for the private-respondents, Ms. Monalisa Singh, the learned counsel appearing for the respondent-NTPC and Mr. Subhash Chandra Prakash, the learned A.C. to S.C.(L&C)-I appearing on behalf of the respondent-State.
2. The petitioners have preferred this writ petition praying therein for quashing of the entire land acquisition process adopted by respondent no.2 with regard to the acquisition of lands located at Tandwa in the light of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The further prayer is made to start fresh acquisition process by identifying the lawful awardees and for direction to provide the benefits under section 41 of the Land Acquisition Act, 2013 as the petitioners belong to scheduled caste.

3. Mr. Manoj Prasad, the learned counsel appearing for the petitioners submits that the forefather of the petitioners namely Dhuja Majhi, s/o late Dilip

Majhi was given the aforesaid land by the Ramgarh Raja by way of Sada Hukumnama by the ex-landlord namely, Kamakhya Narayan Singh on

06.04.1938 entered into page No.3160 and after receipt of the Hukumnana the forefathers of the petitioners came into the possession of it. It is

submitted that during the zamindari era the rent was paid to the ex-landlord and after vesting of zamindari to the State the petitionersâ?? grandfather

and other successor-in-interest used to pay the rent for the land measuring 4.88 acres. He further submits that the rents have been paid to the State by

the petitioners till 2012. Subsequently, the Land Acquisition Officer, Chatra on verification submitted the report regarding genuineness of the

petitionersâ?? claim over the 4.88 acres of the land. He further submits that this fact was also supported by co-villagers of Tandwa village. He

further submits that this enquiry was made after the representation of the petitioner no.1. Referring to the paragraph no.11 of the writ petition, he

submits that he has provided the genealogy of the petitioner no.1. He further submits that after grant of Hukumnama the forefather of the petitioner

no.2 came in possession over the aforesaid plots and paid the rent for it to the ex-landlords after vesting of the zamindari to the State Government. He

further submits that the petitioners are the genuine persons to have not been paid the compensation. He further submits that the representation dated

19.06.2017 is pending with the respondent authority and no decision has been taken on that representation.

4. Per contra, the learned counsel appearing for the respondent- State submits that there is dispute with regard to the land in question. He further

submits that the name of Lagan Pane Wala, Paraful Nath Ghosh mentioned in Cadastral Survey Khatian. He further submits that the petitioners

claim the land of plot nos.2249, 2250, 2268, 2269, 2270 and 2271 total area 4.88 acres by way of two Hukumnana issued by the Ramgarh Raj. For

some land which is forged, fabricated and manufactured with a view to grab the land of respondent nos.6 and 7, Ramgarh Raj Estate had not issued

any Hukumnana in favour of father of the petitioner and the petitioners are showing two different Sada Hukumnama for the same land written on the

same date which is forged and fabricated and the petitioners never came in possession for a single moment over the aforesaid land.

5. The learned counsels appearing for the respondent-NTPC and respondent nos.6 and 7 have also adopted the arguments mutatis-mutandis as advanced by the learned counsel appearing on behalf of the respondent-State.

6. In view of the above disputed question of fact, this Court is not inclined to exercise extra ordinary jurisdiction under Article 226 of the Constitution of India. However, as the representation of the petitioners is pending before the respondent no.2 and it has not been decided as yet, it is desirable that he should give its decision on the claim of the petitioners.

7. Accordingly, the petitioners will approach the respondent no.2 by way of filing a fresh representation and he will consider the same and pass appropriate order in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order.

8. The writ petition being W.P.(C) No.4206 of 2014 stands disposed of.