
(2017) 02 JH CK 0199
In the Jharkhand High Court
Case No : 4133 of 2016

Rajeev Murmu

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 23-02-2017

Acts Referred:

Citation : (2017) 02 JH CK 0199

Hon'ble Judges : D. N. Patel, Ratnaker Bhengra

Bench : DIVISION BENCH

Advocate : Vipul Divya, Sharad Kaushal, Anoop Kumar Mehta, Nikhil Ranjan

Judgement

1. This writ petition has been preferred for the following prayers: "That the petitioner prays for issuance of writ(s)/order(s)/direction(s) for intervention of this Hon'ble Court against mass scale illegal displacement of raiyati (both occupancy and settled raiyats) of 11 (eleven) villages including marginal farmers belonging to mostly Scheduled Castes, Scheduled Tribes and Backward Castes from their Agricultural Land without valid acquisition, and without paying them marker value of the land (plus solatium for the compulsory nature of acquisition) and in certain cases without acquisition at all or buying land for escaping the payment by entering into agreement only with the land owner using coercion, force, deceit and corruption by respondent nos. 13 and 14 in violation of Section 49 of Chotanagpur Tenancy Act, 1908 and Coal Bearing Areas (Acquisition and Development) Act, 1957.

And

Further prays for issuance of writ(s)/Order(s)/direction(s) stopping the drainage of polluted water coming from its mines in Durgawati river which is the only source of water in that region due to which river has become so much polluted as it is almost dead.

And

Further prays for issuance of writ(s)/Order(s)/direction(s) for afforestation of illegally deforested forest area in and around Kathotia Mines by respondent no. 13.

And

Further prays for issuance of writ(s)/Order(s)/direction(s) for payment of compensation for houseboth mud and cement to the raiyats damaged beyond habitation due to blasting for the purpose of mining by Respondent no. 12 and drying up of wells causing scarcity of potable water.

And

Further prays for issuance of writ(s)/Order(s)/direction(s) to black list M/s. Usha Martin from carrying out any mining operation in the State of Jharkhand after proper and speedy investigation for embezzling millions of Government Revenue in respect of illegal Acquisition of land by not mentioning the purpose of Acquisition of land; and in addition, the land which has been bought directly from the raiyats without paying the required value and also the land area in which mining is done into entering into only agreement without paying the required value to the raiyats, thereby undervaluing the minimum value of lands so acquired as per Section 47A of the Indian Stamp Act, 1899 read with Rule 12(2) of Bihar Stamps (Prevention of under valuation of Instruments) Rule 1995 and without evaluation as per market value of land (plus solatium for the compulsory nature of Acquisition) and as also, the land which has been bought directly from the raiyats on lump sum value and also the land area which has been bought for mining by entering into only agreement and without any valid acquisition by the government for the purpose of mining."

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this is not a Public Interest Litigation, at all. All the canons of allegations are against respondent nos. 13 and 14, who are private litigants. This writ petition has been mainly preferred for the reasons that the land has been acquired without paying proper market value and corrupt practice has been followed by respondent nos. 13 and 14 and for black listing M/s. Usha Martin Private Limited. Looking to all these prayers, it cannot be said that this is a Public Interest Litigation, on the contrary, this is absolutely a Private Interest Litigation. Earlier also, W.P. (PIL) No. 5852 of 2015 was preferred, which was dismissed as withdrawn. In view of these facts, there is no substance in this Public Interest Litigation.

3. It further appears that this Public Interest Litigation has been preferred for giving proper market value of the land to the persons whose land has been acquired or has been purchased. These persons always have remedies available under the relevant Acts. So far as corrupt practice followed by respondent nos. 13 and 14 is concerned, if the petitioner so desires, he can file any criminal proceeding in accordance with law. So far as black listing of M/s. Usha Martin Private Limited is concerned, this cannot be done in the Public Interest Litigation,

by this Court.

4. In view of the aforesaid facts and reasons and also looking to the averments and allegations made in the memo of this writ petition, there is no substance in this Public Interest Litigation and, hence, the same is, hereby, dismissed with a cost of Rs.50,000/(Rupees Fifty Thousand), which will be deposited by the petitioner before the Advocates' Association Welfare and Development Fund, Jharkhand High Court, Ranchi within a period of eight weeks from today.

5. Registrar General of this Court will send a copy of this order to the President/ Secretary of the Advocates' Association Welfare and Development Fund, Jharkhand High Court, Ranchi.