
(2011) 05 JH CK 0053

In the Jharkhand High Court

Case No : Writ Petition (C) . No. 6753 of 2007

Ram Chandra Mehta and Arjun Prasad Mehta

APPELLANT

Vs

The State of Jharkhand, The Mines Commissioner, Govt. of
Jharkhand and The Deputy Commissioner

RESPONDENT

Date of Decision : 02-05-2011

Acts Referred:

Citation : (2011) 05 JH CK 0053

Hon'ble Judges : Poonam Srivastava, J

Bench : Single Bench

Judgement

Poonam Srivastav, J.—The instant writ Petitioners has been preferred against an order dated 30.05.2006 vide letter No. 1268/N dated 05.06.2006 and an order dated 18.07.2007 passed by the Mines Commissioner, Government of Jharkhand, Ranchi in Revision Case No. 110 of 2006 and 111 of 2006, Ram Chandra Mehta and Arjun Prasad Mehta v. Deputy Commissioner, Giridih and Ors.

2. The submission is, the Petitioners were given possession of a leasehold area on payment of compensation to the respective raiyats and also payment of lease rent to the Respondents covering an area of 2.43 acres situated under Mauza Baijudih of district Giridih.

3. The objection is that the lease was terminated premature and without giving any opportunity of hearing. The Petitioners received only a communication in the month of July, 2006 regarding an order having been passed against him on 30.05.2006. On perusal of the writ petition, counter, supplementary counter and rejoinder affidavits, it transpires that some complaint was made by the land owners (raiyaats) that they have not been paid compensation to a tune of Rs. 62,023/-. A notice was issued vide letter No. 1611/M dated 13.09.2004. The total amount due was Rs. 1,26,682/- besides the compensation payable to the raiyats.

4. Submission of the learned Counsel is that in fact the order passed was without

any opportunity of hearing and also without taking into consideration that the entire amount of compensation was already paid to the land owners. It is also stated that the amount demanded by the Respondents has been deposited by him and at the time when the notice was issued, only a small sum remain to be paid which he has subsequently deposited.

5. The next ground of challenge is that the revisional authority i.e. the Mines Commissioner, has rejected the revision without application of mind whereas the revision was preferred on a number of grounds specifically stating therein that the order terminating the lease was arbitrary and violative of principles of natural justice in as much as, no notice or opportunity was given to the Petitioners. The lease was granted to the Petitioners for a period commencing from 28th December, 2000 for a period of ten years.

6. Counsel appearing for the Respondent has stated that notice was given to the Petitioners and the Petitioners despite notice, failed to deposit the amount. He has disputed the receipt issued by the raiyats depicting payment of lumpsum compensation which has been annexed with the writ petition as Annexure-8.

7. However, the Respondent's counsel could not substantiate the order of the revisional authority since it is an absolutely non-speaking and an unreasoned order whereas a number of grounds were raised specifically to the effect that the Mining Office has only given a communication and that too orally on 15.07.2006 when the Petitioners arrived at the mining spot. He was never served with the order dated 30.05.2006 which has been brought on record by the Respondent's counsel by means of the second supplementary counter affidavit. The order is an unilateral order.

8. The question about notice and opportunity of hearing, whether service was effected or not and also whether raiyats have been paid or not are all factual matters which cannot be decided in the instant writ petition.

9. It is evident, on perusal of the revisional order, that it is a non-speaking order.

10. In the facts and circumstances, the writ petition is disposed of with a direction to the revisional authority to decide the revision afresh after giving opportunity of hearing to both the parties and to look into the documents whichever is brought before it. The revisional authority shall not be influenced by the order passed by this Court. It will take its independent view after hearing the respective parties and going through the records and pass a fresh order on merits. Accordingly, the revisional order dated 18.07.2007 passed by the Mines Commissioner, Jharkhand at Ranchi in Revision No. 1110 of 2006 and Revision No. 111 of 2006 is hereby quashed.