
(2012) 09 JH CK 0242
In the Jharkhand High Court
Case No : Writ Petition (C) No. 4930 of 2007

Ram Kishor Mahto

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 11, 12(2), 5, 6, 7

Citation : (2013) 1 JLJR 249

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : H.K. Mahato and Ahalya Mahto, for the Appellant;

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. Petitioner is aggrieved by the notification no. 848(ii) dated 1.8.2007 u/s 12(2) of the Land Acquisition Act in L.A. Case No. 2(Ka)/04-05 issued by the Collector (Land Acquisition Officer), Ranchi as the same was issued without jurisdiction.

2. Learned counsel for the petitioner submits that without observing the process of Sections 6, 7, 8, 9 and 11 of the Land Acquisition Act, the respondents have issued notice u/s 12(2) of the Land Acquisition Act fixing compensation to be paid.

3. On the other hand, from the averment made in their counter affidavit and submission of the learned counsel for the respondents, it appears that against the notification dated 25.5.2005 issued u/s 5 of the Amended Rule 11 of the Land Acquisition Act, 1894, the petitioner had earlier moved this Court in W.P.C. No. 5511 of 2005 praying for quashing the said notification. The said writ petition was dismissed vide order dated 27.1.2006 passed by a Bench of this Court refusing to interfere with the notification and observing that the contention of the petitioner that the acquisition of land is not for public purpose cannot be accepted and it is for setting up of generation plant by the Hindalco Industries.

This Court also observed that it is needless to say that the persons, whose land shall be acquired, shall be entitled to compensation.

4. It is submitted on the part of the learned counsel for the respondents-State that notice u/s 12(2) have been issued intimating the persons affected including the petitioner to receive compensation in respect of acquisition of raiyati of the landholder Hare Krishna Mahto Ram Kishore Mahto and Bhushan Mahto S/o Shankar Mahto and Dhanial Mahto S/o Surjan Mahto resident of Village-Chota Muri, P.S.-Silli, District-Ranchi appertaining to Plot Nos. 39, 40 and 46 area 0.04 acres and 0.38 acres making total area 0.86 acre under Khata No. 22 situated at Village-Kokrana, P.S. No. 90. It is submitted that the said land have been acquired by following the entire proceeding under the Land Acquisition Act after observing the process of Sections 6, 7, 8, 9 and 11 of the Land Acquisition Act, details of the land with extent of land and calculation chart of award u/s 11 of the Land Acquisition Act, 1894 were notified for information to all concerned persons, which is annexed as Annexure-B series to the counter affidavit. Accordingly, the counsel for the respondents submits that there is no merit in this writ petition as land has been acquired after following the process of law and petitioner may accept the compensation amount awarded or take recourse to the remedy if available under the law under the provisions of the Land Acquisition Act, 1894.

5. After having heard the counsel for the parties, it appears that the petitioner has approached this Court earlier against the notification u/s 5 of the Land Acquisition Act in respect of the same land acquisition, which was dismissed by this Court vide order dated 27.1.2006 in W.P. (C) No. 5511 of 2005. Thereafter, the respondents have followed the procedure of law fixing the compensation amount intimating the petitioner and others to receive the compensation by issuance of notice u/s 12(2) of the Land Acquisition Act, 1894. Therefore, there is no infirmity in the action of the respondents and the petitioner may accept the compensation amount awarded or take recourse to the remedy if available under the law under the provisions of the Land Acquisition Act, 1894. In the circumstance"s", this writ petition is without merit and is, accordingly, dismissed.