

(2012) 08 JH CK 0124

In the Jharkhand High Court

Case No : Writ Petition (C) No. 7266 of 2005

Ram Naresh Singh

APPELLANT

Vs

The Central Coalfields Ltd. and Others

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Citation : (2012) 08 JH CK 0124

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Sumir Prasad and A.K. Amar, for the Appellant; Ananda Sen, for the Respondent

Judgement

Aparesh Kumar Singh

1. Heard Learned Counsel for the parties. This writ petition has been preferred for commanding upon the respondent to immediate and forthwith release the compensation in lieu of his house situated in an area 0.93 decimals for dumping the coal in Khata No. 44, Plot No. 229(P) in Village- Vishrampur, District-Ranchi, which has been taken by the respondent in their possession for dumping the coal.

2. It is submitted by Learned Counsel appearing for the petitioner that petitioner had thereafter made several representation for the payment of compensation to the respondents as annexed as Annexure- 5 and 5/A as well as other letters to the respondents, but till date he has not been granted any compensation, although the matter was thoroughly enquired and valuation has been made regarding the same by the respondent.

3. Learned Counsel for the respondents have also appeared and filed their counter affidavit. From the averment made in the counter affidavit, it appears that the respondents admitted that house in question was demolished inadvertently for OB dumping for Karketta Project. Thereafter, respondents realized their mistake. The measurement was made and the valuation was sent by the General Manager (N.K. Area) to the Revenue Department Headquarters of

Central Coalfields Limited at Ranchi for its approval by the competent authorities. However, file was misplaced in transit, which was reconstructed and placed before the Director (Technical) and Director (Project and Planning, Central Coalfields Limited, Ranchi. However, it is submitted by Learned Counsel for the respondents that on the said proposal no final decision has yet been taken.

4. From the aforesaid facts and submission of the parties, it appears that the claim for compensation of the petitioner is pending since long and factum of the petitioner's land being used for OB dumping for Karketta Project has also been admitted. However, the respondents have also in their counter affidavit categorically stated that the claim for compensation in favour of the petitioner has been delayed and forwarded to the highest level, but no final decision has been taken over the issue. The aforesaid counter affidavit has been filed in October, 2007 itself and inspite of lapse of time no final decision has been taken.

5. Learned Counsel for the petitioner also submits that no final decision has been taken. In the circumstances, counsel for the petitioner prays for direction upon the respondent in terms of statements made in the counter affidavit to pay compensation amount to the petitioner for the plot used by the respondents in connection with works of the respondents Central Coalfields Limited at Karketta Project in view of the fact that the respondents have categorically admitted the claim of the petitioner relating to compensation but final decision has only been delayed.

6. In the circumstances, the petitioner is allowed to approach respondent i.e. respondent no. 1, Chairman-cum-Managing Director, the Central Coalfields Limited, Darbhanga House, Ranchi by making a fresh representation containing all the necessary facts and related documents including a copy of the counter affidavit filed on behalf of the respondents in the present case within a period of three weeks for redressal of his grievances. If such a representation is filed within three weeks, respondent no. 1, Chairman-cum-Managing Director, Central Coalfields Limited, Darbhanga House, Ranchi shall consider the same in accordance with law taking into account the stand taken on behalf of the respondents in their counter affidavit, by passing a reasoned and speaking order within a period of twelve weeks thereafter and the same shall be communicated to the petitioner.

7. If the claim of the petitioner is found to be genuine and legally admissible and the petitioner's land is being used by the respondent for their purposes the payment of compensation for the same should be made within a further period of four weeks thereafter together with Simple Interest @ 6% p.a. from the date since area has been used for the purpose of the respondents. With the aforesaid observations and directions, this writ petition stands disposed of.