

(2024) 07 JH CK 0069

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4493 Of 2019

Santosh Kumar Pradhan and Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 09-07-2024

Acts Referred:

Citation : (2024) 07 JH CK 0069

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Anil Kumar Sinha, Mrinal Kanti Roy, Abinay Kumar, Saurabh Sagar

Judgement

Anubha Rawat Choudhary, J

1. Heard the learned counsel for the parties.
2. This writ petition has been filed for the following relief:

That the petitioner prays for issuance of an appropriate writ/writs, order/orders, direction /directions of or a writ, in the nature of Mandamus, commanding & directing upon the respondents to pay the compensation in lieu of the land acquired by the respondents of village Darha, Thana no. 157, Khata no. 99, Plot no. 707, measuring area 9.98 Acres and the same has been transferred in favour of Jharkhand Urja Sancharan Nigan, Hazaribag, for Establishment of Grid Sub-station.

3. The learned counsel for the petitioners submits that the petitioners were in possession of the property by virtue of a registered sale deed and the property has been handed over by the State Government to the private respondent No. 6 by treating it as their own property. He submits that in spite of having title deeds, no compensation has been paid to them.

4. The learned counsel for the respondent state has submitted that the title of the property was with the State and therefore, there was no occasion to acquire the land and consequently, there is no question of payment of any compensation

to the petitioners. He submits that the property has been handed over to the respondent No. 6. However, the counsel for the state has submitted that if the petitioners are aggrieved, they may move the Deputy Commissioner who may consider their grievance and may also pass an order stating that there is title dispute so that the petitioners may have their recourse as per law.

5. The learned counsel for the respondent No. 6 has submitted that they are in possession of the property and the sub-station has already been constructed. The learned counsel for the respondent No. 6 has submitted that the property was transferred after due clearance from the Ministry of Environment, Government of India.

6. To this counsel for the petitioners has submitted that the Registered sale deed cannot be disputed by the respondents.

7. After hearing the learned counsel for the parties and considering the facts and circumstances of this case and the nature of prayer made by the petitioners, this court is of the considered view that the grievance of the petitioners is required to be looking by the respondent No. 3 at the first instance.

8. Accordingly, this writ petition is disposed of enabling each petitioner to file separate representation with all their supporting documents before the respondent No. 3 within 2 months from today and upon receipt of the representation the respondent No. 3 is directed to pass an appropriate reasoned order(s) with regard to the grievance of one or the other petitioner within a period of three months from the date of filing of representation(s) after verifying the records and after hearing the concerned parties including respondent No. 6. One copy of the entire records of this case be produced jointly by the petitioners.

9. Pending I.A., if any, is closed.