

(2012) 04 JH CK 0112
In the Jharkhand High Court
Case No : Writ Petition (C) No. 1299 of 2012

S.K. Verma

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 03-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0112

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : M.K. Laik, for the Appellant; R.C.P. Sah, for the Respondent

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the petitioner has prayed for a direction on the respondents to separate the unutilized land to the extent of 20.05 Acres In Mouza - Asangi belonging to the petitioner and the proforma respondent Nos. 6-29 in the District of Seraikella - Kharswan, which was acquired under the provisions of the Land Acquisition Act and release the same in favour of the petitioner. It has been submitted that though the said land was acquired long ago in the year 1963-64, the area to the extent of 20.05 Acres remained unutilized. Since the said land belonged to the Raiyat (petitioner) and he is still in possession of the said land, the same should be released in his favour. It has been further submitted that since the said land was not used for several decades, the petitioner requested the respondents to release the said land and take back the compensation amount, but in spite of repeated requests and representations, no order has been passed. The writ petition has been contested by the respondents stating, inter alia, that the petitioner's said land was acquired in accordance with the provisions of the Land Acquisition Act. The entire process of acquisition was completed. However, the respondents permitted the petitioner to occupy the said land, as they immediately did not require the same. It has been submitted that the petitioner's possession is purely permissive and the said land is to be utilized by the respondents for the purpose it was acquired or for extension thereof. It does not mean that the petitioner has

any right or has acquired any right over the said land by remaining in permissive possession over the same for such a long period. It has been further submitted that earlier the respondents had taken decision to release the lands to the Raiyats, which have not been utilized. If the petitioner has any such claim and if he files fresh representation regarding his claim, the same shall be considered and appropriate order shall be passed.

2. Considering the said submissions, this writ petition is disposed of giving liberty to the petitioner to file fresh representation regarding his claim. If such representation is filed, the respondents shall consider the same and pass appropriate order regarding the petitioner's claim of release of his land within three months from the date of receipt / production of a copy of this order.