
(2012) 09 JH CK 0060
In the Jharkhand High Court
Case No : Writ Petition (C) No. 6842 of 2005

Smt. Parwati Mahato

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-09-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 12(2)

Citation : (2012) 09 JH CK 0060

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : M. Jagannath, for the Appellant;

Judgement

Aparesh Kumar Singh

1. Heard learned counsel for the parties. The petitioner, who is a lady, has approached this Court for issuance of a direction upon the respondents to issue Vikas Pustika and arrange her proper rehabilitation as per the policy of the respondent-State dated 30.9.2003 as contained in Annexure 2.
2. The relevant provision of the said resolution containing the revised rehabilitation policy of the State of Jharkhand. Water Resources Department is referred to in clause 3.2, which contains a definition of displaced person.
3. By referring Annexure-1, which is a notice issued in the name of the petitioner u/s 12(2) of the Land Acquisition Act, 1894, it is submitted on her part that the petitioner has not been issued the relevant Vikas Pustika, upon which she is entitled to benefits under the Revised Rehabilitation Policy.
4. From the counter affidavit filed on behalf of the respondents, it appears that they have taken a stand that although the father and mother i.e. petitioner have been included in the definition of displaced person but the claim for issuance of Vikas Pustika in the name of the petitioner has been rejected by the Additional Director, Land Acquisition and Rehabilitation. It is stated that the son of the

partitioner, namely, Nidhi Mahato has been issued Vikas Pustika No. 17858. It is further submitted by the counsel for the respondents that the name of the petitioner and her family members have also been entered in the said Vikas Pustika and as such issuance of Vikas Pustika does not arise. It is further submitted that the Vikas Pustika is issued to a person, who fulfil the criteria of revised rehabilitation policy and the petitioner is not entitled to the same as she does not fulfil the requisite criteria..

5. Counsel for the petitioner, however, submits that the petitioner is entitled for issuance of Vikas Pustika as per revised rehabilitation policy as contained in Annexure 2, in which as per clause 3.1(K) and clause 3.2(K), the family of a displaced person includes the husband and wife, minor son or daughter, minor brother or sister, father and mother, who lived together, while as per clause 3.2(Kha) a major son is treated to be a separate family. It is, therefore, submitted that issuance of Vikas Pustika in the name of Nidhi Mahato, the son of the petitioner, does not disentitle the claim of the petitioner as per revised rehabilitation policy and the petitioner is also entitled to the same

6. Having heard the counsel for the parties, it appears that the relevant resolution as contained the revised rehabilitation policy and this aspect of the matter has not been considered properly by the respondents-authorities.

7. In the circumstances the petitioner is allowed liberty to approach the concerned authority i.e. the Additional Director, Land Acquisition and Rehabilitation with a fresh representation for redressal of her grievances within a period of three weeks and if such a representation is made with all necessary facts and supporting documents, the concerned authority shall consider the same and pass a reasoned and speaking order within twelve weeks thereafter, which shall also be communicated to the petitioner.

8. With the aforesaid observation and direction, this writ petition stands disposed of. I.A. No. 2635 of 2006, which has been filed for early hearing of the writ petition, also stands disposed of.