

(2012) 01 JH CK 0029

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6222 of 2003

Sudarshan Singh and Others

APPELLANT

Vs

Bharat Coking Coal Limited and Others

RESPONDENT

Date of Decision : 17-01-2012

Acts Referred:

Citation : (2012) 01 JH CK 0029

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel

1. This writ petition has been preferred for getting employment with the respondents only on the ground that the land owned by the petitioners was acquired under the Land Acquisition Act. Learned counsel appearing for the petitioners submitted that the land of the petitioners was acquired for Mukunda Open Cast Project. The land was acquired in the year 1986, which was also stated by the respondents as per Annexures- 4 and 5 that the petitioners will be given employment as and when the land, in question, will be utilized for the project, but till today, the respondents have not given any employment to the petitioners and, therefore, the present writ petition has been preferred.

2. Learned counsel for the respondents submitted that the land, in question, owned by the petitioners was acquired for the aforesaid purpose, there after, the project was not established in collaboration with the Union of Soviet Socialist Republics and because of this, the project in question, could not be established. It has also been stated in the counter affidavit that the land, in question, is also in possession of the present petitioners. Nonetheless, it is submitted that the payment of compensation, for land acquisition, has already been made, but, so far as employment is concerned, as there is no project established by the respondents upon the land, in question, the petitioners have not been given any

employment, but, in future if there is any project established upon the said land as stated in Annexure-4 to the memo of the petition, rehabilitation benefits as per Rehabilitation and Resettlement Policy will be extended to the petitioners.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, I see no reason to entertain this writ petition mainly for the following facts and reasons:

(i) It appears that the petitioners' land as stated in Annexure-1 to the memo of the petition, was acquired by the respondents. The land " acquisition was taken place in the year 1986 for establishment of Mukunda Open Cast Project (hereinafter to be referred to as "MOCP"). The said project could not be established because it was established under the collaboration with the Union of Soviet Socialist Republics. On account of disintegration of Union of Soviet Socialist Republics, the project has never been established.

(ii) It further appears from the facts of the case that necessary compensation, which is legally payable under the Land Acquisition Act, has been paid to the petitioners and there is no dispute so far as the payment of compensation is concerned.

(iii) It further appears that the petitioners are seeking employment in the respondent-Company. This argument is not accepted by this Court, at this stage, mainly for the reason that there is no project like MOCP has come into existence. Moreover, the land, in question, has not been used for the establishment of any factory, as per the reasons stated in the counter affidavit.

(iv) Moreover, it has been stated in the counter affidavit that the physical possession of the land is still with the petitioners and also looking to Annexure-4 to the memo of the petition, it appears that as and when some project is established upon the land, in question, the benefit of the rehabilitation scheme as per the Rehabilitation and Resettlement Policy will be extended to the petitioners. Moreover, there is no rejoinder affidavit filed by the petitioners, controverting the factual aspect stated in the counter affidavit.

(iv) Thus, it appears that the physical possession of the land, in question, is with the petitioners, secondly the legally payable amount towards the compensation under the Land Acquisition Act has also been paid to the petitioners, thirdly no project like MOCP has come into existence and fourthly looking to Annexure-4, it appears that as and when some project will be established upon the acquired land, the case of the petitioners will be considered for rehabilitation benefits, as per Rehabilitation and Resettlement Policy.

In view of the aforesaid facts and reasons, there is no substance in this write petition and, hence, the same is, hereby, dismissed.