

(2017) 01 JH CK 0022

In the Jharkhand High Court

Case No : Writ Petition (C) No. 7148 of 2016

Suresh Ram

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 16-01-2017

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 2 JCR 343

Hon'ble Judges : Mr. Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : M/s Sohail Anwar, Sr. Advocate, Rahul Kr. Gupta, Niyati Sah, Arbind Kr. Singh, Jitesh Kumar, K.K. Singh, Praveen Kr. Verma, Altaf Hussain, Advocates, for the Petitioners; Mr. Lukesh Kumar, JC to AG, for the Respondent-State; M/s Indrajit Sinha, Vijay Kant Dubey, Advocates, for the Respondent No. 5; M/s Anoop Kr. Mehta and Amit Kr. Sinha, Advocates, for the Respondent No. 6

Final Decision : Dismissed

Judgement

Mr. Aparesh Kumar Singh, J.—Learned counsel for the petitioners in WPC Nos. 7148/2016 to 7167/2016 submits that surviving defects may be ignored as counsel for the petitioners has, in advance, served copies on the counsel for the Respondent no. 6 who has already appeared in the batch of cases led by WPC No. 6886/2016. Petitioners also confine their prayer to para-1 of the writ application.

2. Counsel for the petitioners in WPC No. 89/2017 to 113/2017 submit that legible copies have been supplied, but other defects relating to supply of continuous pages of the Land Acquisition Notification may be ignored as relevant extracts shall be verified to be true today itself.

3. Counsel for the petitioners in WPC No. 135/2017 to 158/2017 submits that typed copies of certain illegible pages would be supplied during course of the day. Other documents enclosed are extracts of the relevant notification. Counsel for the petitioners shall remove the surviving defects in WPC No. 89/2017 to

WPC No. 113/2017 and WPC No. 135/2017 to WPC No. 158/2017 during course of the day as stated above. However, since the extract of the Notification are being supplied, they are exempted from filing the complete Notification.

4. In view of the submissions made, surviving defects in WPC Nos. 7148/2016 to 7167/2016 are ignored. Counsel for the petitioners submit that these writ petitions can be disposed of in the light of the common order passed in the batch of cases led by WPC No. 6886/2016, as the same prayer has been made in these cases also.

5. Heard counsel for the parties.

6. All these petitioners seek a direction upon the Respondent State to issue appropriate Notification for withdrawal of the acquisition of lands under L.A. Case Nos. 1/2006-07, 1/2006-07 & 3/2006-07, 3/2006-07, 10/2006-07 & 3/2006-07, 10/2006-07, 10/2006-07 & 3/2006-07, 02/2006-07, 07/2006-07 and 05/2006-07 initiated by District Land Acquisition Officer, Palamau. It is submitted that the land of the individual petitioners situate in village Kathautia, Sika, Garikhas, Batsara and Pathekhurd are covered by the acquisition proceedings which relate to seven villages in the district of Palamau. It is submitted that in view of de-allocation of coal bloc pursuant to the judgment rendered by the Apex Court in the case of Manohar Lal Sharma v. Principal Secretary and others [(2014) 9 SCC 516 & (2014) 9 SCC 614] acquisition made for the Respondent No. 6 - Usha Martin Limited (hereinafter to be referred as "UML") has no meaning in the eye of law. Possession of the land was also not taken over by the state or / handed over to the Company M/s UML in view of the interim order passed in WPC Nos. 5732/2012, 5749/2012, 8041/2012 and 1719/2013 and LPA Nos. 114/2014, 115/2014 and 117/2014. The coal bloc has thereafter been allocated to the Respondent No. 5 - Hindalco Industries Limited on auction. Learned counsel for the petitioners submit that while Memorandum of Understanding has been entered into by M/s Hindalco Industries with some of the petitioners such as in WPC No. 7148/2016 to 7167/2017, but in view of uniform stand adopted by the State, as reflected in the judgment passed in WPC No. 6886/2016, petitioners in other connected cases also have approached this Court with a prayer for de-acquisition of the acquired land. Others also expressed their intent to enter into negotiation for direct sale of land to M/s Hindalco Industries once the Notification of de-acquisition is issued by the State Government upon consideration of their representations.

7. Learned counsel for the State submits that the stand taken by the Respondent State through their counter affidavit filed in WPC No. 6886/2016 as also in the present matters led by WPC No. 7148/2016 and other analogous cases, are consistent and they would apply uniformly in case of villages under acquisition.

8. Learned counsel for the Respondent M/s Hindalco Industries do not have any objection to the prayer.

9. Learned counsel for the Respondent UML also submits that the instant cases

are the same and similar as that of the batch of cases led by WPC No. 6886/2016 and can be disposed of in that light.

10. Having considered the submissions of the parties and the relevant material facts pleaded, it is apparent that these petitioners also seek de-acquisition of the land acquired in the aforesaid land acquisition proceedings for the benefit of M/s UML. However, coal bloc allotted to the said Company has been de-allocated in view of the judgment rendered by the Apex Court in Manohar Lal Sharma (Supra). The Respondent UML therefore do not stake any claim in the land under acquisition except refund of the amount deposited with the State along with interest, if any, to which they are entitled. It is also obvious that on account of stay granted in WPC No. 5732/2012 and other analogous cases challenging acquisition Notification, referred to herein-above, possession of the land was not handed over to the State or the Company M/s UML. For the same relief (s), petitioners in the batch of cases led by WPC No. 6886/2016 had approached this Court wherein, on consideration of the stand of the State, reflected in their counter affidavit filed and also canvassed by the learned Advocate General of the State, the writ petitions were disposed of by order dated 11.01.2017 to enable the State to take a decision, in accordance with law. Accordingly, the present batch of cases are also disposed of in terms of the said order. I.A. Nos. 203/2017, 212/2017, 174/2017, 214/2017, 201/2017, 208/2017 and 207/2017 preferred in some of these cases are dismissed as not pressed.