IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No.1427 of 2016

Jimut Bahan Roy ..... Petitioner.

-Versus-

1. The State of Jharkhand
2. The Deputy Commissioner, Hazaribagh.
3. Central Coalfields Limited, through its Chairman-cum-Managing Director, Darbhanga House, Ranchi.
4. The Director (Project & Planning), Central Coalfields Limited, Darbhanga House, Ranchi.
5. The General Manager, Land & Revenue, Central Coalfields Limited, Darbhanga House, Ranchi.
6. The General Manager, Argada Area, Argada, District Hazaribagh.
7. The Project Officer, Religada Project, Argada, District Hazaribagh.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Ms Shatakshi, Advocate
For the State : A.C. to Sr.S.C.III
For the CCL : Mrs. Swati Shalini, Advocate

Order No.03 **Date: 05.02.2020**

1. The present writ petition has been filed for quashing the report of the committee dated 5th February, 2016 (Annexure-6 to the writ petition) and to direct the respondent nos.3 to 7 to consider the matter for payment of compensation to the petitioner in lieu of acquisition of his land as per the prevailing rate.
2. Heard learned counsel for the parties and perused the materials available on record.
3. The case of the petitioner is that he purchased a raiyati land, pertaining to plot nos.448, 448/826, 448/828 and 449/607, Khata no.2, measuring an area of 2.01 acres of Mouja Giddi, P.S. Mandu, District Hazaribagh by virtue of a registered sale deed dated 20th July, 1993 on payment of valuable consideration. According to the petitioner, the said land was used by the respondent-CCL for the purpose of mining. However, neither any compensation was paid nor any employment was given to the petitioner as per the prevalent scheme of the Coal India Limited. The petitioner earlier moved this Court by preferring a writ petition being W.P.(C) No.4531 of 2003, which was disposed of vide order dated 19th February, 2010 with the following observations and directions:-

> ***"In the circumstances, the respondents are directed to either acquire the land of the petitioner within six months of the date on which a certified copy of this order is presented before the Managing Director, Central Coalfields Ltd., Ranchi by the petitioner or to return the said land to the petitioner at the end of that period. If land is acquired, compensation for the same will be paid according to law and further, employment will be offered as per rules or scheme. Further, if the land is not acquired but is returned, damage for use and occupation will be computed and paid to the petitioner along with the return of land within the aforesaid period of six months."***

4. As the said order passed in the aforesaid writ petition was not complied by the respondent-CCL, a contempt case, being Cont. Case (Civil) No.934 of 2013 was filed before this Court. Subsequent to filing of the contempt case, a committee was constituted by the respondent-CCL for the purpose of compliance of the aforesaid order of this Court, comprising of five officers of the respondent-CCL. The said committee submitted its recommendation, which are as follows:-

> ***"1. The said land of 2.01 acres is partially filled with OB.***
>
> ***2. There is no proof available as to when OB was dumped there. But based on available documents it was dumped before 1983.***
>
> ***3. The said 2.01 acres land does not comprise of part of any playground.***
>
> ***4. The said land may be taken in possession by the petitioner "as and where as it is" basis.***
>
> ***5. As per DLAO, Hazaribagh, the said land can not be acquired under LA Act, as the said land was used and deshaped long before. However, the said land may be acquired under CBA Act subject to approval by competent authority. However, it is not possible to acquire the said land within six months. Hence, suitable time extension may be sought from the learned Court for acquisition of the same.***
>
> ***6. As based on visit of the ASO and SO (P&P) of Argada Area to CO Office Dari, it was found that the petitioner has paid different amounts of land rent w.e.f 1994. The total amount due as on 31/01/2016 along with accrued cumulative saving bank interest (@ 4% yearly compounded) has been calculated as Rs.449.36 as per Annexure I enclosed.***
>
> ***7. The photo copy of the sale deed revealed that Rs.49,000/- was paid to the owner of the land 2.01 acres when he purchased the same in 1994. The accrued cumulative saving bank interest (@4% yearly compounded) till 31/01/2016 of Rs.49,000/- has been calculated as Rs.69492.07 as per Annexure II enclosed.***

8. It is recommended to pay the total above calculated amount of Rs.69941.43 by cheque through Registered Post at his available address or in person if he desires."

5. On the basis of said recommendation, the General Manager, Argada Area- respondent no.6 vide letter dated 15th February, 2016 informed the petitioner that he was to be paid compensation of Rs.69,941/- approx. It was also informed to the petitioner that as per the enquiry, the said land was purchased by him on 4th April, 1994 on "as and where it is" basis. Moreover, the piece and parcel of the land bearing Khata no.2, plot nos.448- 0.57 acres, 448/826- 0.56 acres, 448/828-0.48 acres and 449/607- 0.40 acres; total area 2.01 acres of village Gidi was not in possession of the CCL and hence there was no question of returning the same and the respondent-CCL had no intention to utilize the said land. Thus, I find that in pursuance of this Court's order dated 19th February, 2010 passed in W.P.(C) No.4531 of 2003, the respondent-CCL has already made the required exercise in relation to the petitioner's claim for payment of compensation. Moreover, the finding of fact arrived at by the Committee as contained in the report dated 5th February, 2016 cannot be interfered in the writ jurisdiction of this Court.

6. Hence, I see no reason to quash the report of the said committee dated 5th February, 2016. The writ petition is, accordingly, dismissed.

(Rajesh Shankar, J.)

Sanjay/