IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 3696 of 2020

Chandrai Munda ... … Petitioner

Versus

1. State of Jharkhand
2. Secretary, Water Resources Department, Government of Jharkhand, Ranchi
3. Deputy Commissioner, East Singhbhum,
4. District Land Acquisition Officer, East Singhbhum
5. Circle Officer, Potka, District- East Singhbhum

… …Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner :- Mr. Saibal Mitra, Advocate
For the Respondents :- Mr. Mukul Singh, AC to GP-III

Order No. 02 **Dated: 09.12.2020**

The present case is taken up through video conferencing.

2. The present writ petition has been filed for issuance of direction upon the concerned respondents to immediately return the petitioner's land appertaining to khata no.- 49, plot nos. 360, 361, 362, 456, 458, 459, 460, 464, 466, 467, 473, 476, 477 situated at Mauza- Dumur Bera, Thana No. 1416, Panchayat- Poradih, Block- Potka, District- East Singhbhum measuring an area of 4.45 acres (hereinafter to be referred as "the said land") over which, according to the petitioner, the respondent authorities have illegally constructed canal by unlawfully acquiring and without paying any compensation to the petitioner in lieu of the said acquisition. Further prayer has been made for issuance of show cause upon the concerned respondents as to why no action has been taken on the petitioner's representation dated 02.04.2014 with respect to illegal construction of canal at the instance of the Department of Water Resources, Government of Jharkhand, over the said land. The petitioner has alternatively prayed for issuance of direction upon the respondents to initiate a proceeding for acquisition of the said land of the petitioner in accordance with law and to pay him compensation after preparation of the award.

3. Having heard the learned counsel for the parties and keeping in view the nature of the dispute raised by the petitioner in

the writ petition, I am of the view that an appropriate decision on the present issue should be taken by the competent authority of the State. Hence, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation before the respondent no. 4- the District Land Acquisition Officer, East Singhbhum, Jamshedpur, on the said issue. On receipt of the said representation, the respondent no. 4, after providing an opportunity of hearing to the petitioner and on making due inquiry, shall take an informed decision in the present matter within a period of four months from the date of filing of the said representation.

4. The writ petition is disposed of with aforesaid liberty and direction.

(Rajesh Shankar, J.)

Ritesh/-