IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.-6358 of 2019

1. Laxmi Narayan Yadav
2. Mathura Yadav
3. Santosh Yadav
4. Ramdeo Yadav …Petitioners

-V e r s u s-

1. The State of Jharkhand
2. Deputy Commissioner, Giridh
3. Circle Officer, Tisri, District- Giridih

…. Respondents

CORAM: - HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners :- Mr. D.K.Prasad, Advocate
For the Respondents :- Mr. Sahil, A.C. to G.A.-III

Order No.-04 **Dated: 13.01.2020**

The present writ petition has been filed for issuance of direction upon the respondents particularly the respondent no. 2-the Deputy Commissioner, Giridih to ensure payment of compensation for acquisition of the land pertaining to Khata no. 01 measuring an area of 18 decimals out of total area of 51 decimals and Khata no. 05 measuring an area of 22 decimals out of total area of 74 decimals, in total 40 decimals, Mouza/Village-Nimadih (hereinafter to be referred as "the said land") which have been forcibly taken by the respondents for the purpose of construction of road from village Nimadih to village Madhopur under PMGSY scheme.

The case of the petitioners is that their decedents namely Teko Gope and Gopal Gope were the khatiyani raiyats of the said land. According to them, the rent for the said land has regularly been paid and the rent receipts in lieu thereof have also been issued. Since the said land was forcibly taken by the respondents for construction of the aforesaid road and the same was protested by the petitioners and others, an F.I.R. being Tisri P.S. Case No. 45 of 2019 was lodged against them in which they have already been granted anticipatory bail by a Bench of this Court vide order dated 03.09.2019 passed in A.B.A. No. 6050 of 2019. The grievance of the petitioners is that they have run from pillar to post raising their grievance against non-payment of due compensation for the said land which has been utilized by the respondents for the purpose of

construction of the road. The claim of the petitioners is that they being the lawful owner of the said land must be compensated in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. They have preferred several representations before the respondent authorities including the respondent no. 2, however the same have remained unresponded.

Learned A.C. to G.A.-III submits that since the present matter requires factual determination, if the petitioners prefer a fresh representation before the respondent no. 2- the Deputy Commissioner, Giridih in this regard, the same shall be considered in accordance with law.

Having heard the learned counsel for the parties and considering the prayer made by the petitioners in the present writ petition, the petitioners are given liberty to file fresh representation with supporting documents before the respondent-2 raising their claim of compensation for the said land. On receipt of the said representation, the respondent no. 2 after calling for the relevant records and on providing due opportunity of hearing to the petitioners/their representatives, shall take appropriate informed decision in accordance with law as expeditiously as possible preferably within a period of 12 (twelve) weeks from the date of filing of the representation.

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

(Rajesh Shankar, J.)

Ritesh/