

15.03.2021
Ct. No.13
Sl. No.67
akd

W.P.A. 2069 of 2021 *[via video conference]*

[Akash Kumar Chourasia -Vs- Union of India & Ors.]

Mr. Nilanjan Pal
... .. for the petitioner

Mr. Arnab Sengupta
... .. for the respondent no.1

Mr. Bijoy Kumar
... .. for the respondent-ECL

Affidavit-of-service filed in court today be kept with the record.

The writ petitioner claims to be a lineal dependant of one Bidya Chourasia. It is also claimed that the said Bidya Chourasia is the wife of one Late Murat Chourasia. The said Chourasia family comprises of Murat and Uday Prasad Chourasia stated to be brothers. They had land measuring about 2 acres. The petitioner claims that the said Uday Prasad Chourasia does not have children. He submits that he is the grandson of the said Bidya Chourasia and Late Murat Chourasia born out of a son namely, Aswani Barui (Chourasia).

There appears to be some discrepancy with regard to the claim that the land of the petitioner was acquired by the ECL for the purpose of water management and Ratibati Colliery. However, there is communication on record issued by the ECL stating that the petitioner should not claim employment under Scheme of the Central Government for providing employment to land losers. He should be happy with the compensation.

There are communications addressed by the ECL dated 22nd April, 2017 and 25th April, 2018 in this regard.

The petitioner however, continued to assert a right for employment under the land loser scheme.

It is true that there is infact land loser scheme and the land of the Chourasia family may have been acquired by the ECL. There is, however, no clear evidence to indicate that the petitioner is the lawful lineal successor or heir of the said Bidya Chourasia.

It further appears from the submissions made by the learned counsel that there has been large scale impropriety in awarding employment in lieu of land that was acquired or produced by the ECL.

In the above circumstances, the writ petitioner may approach the ECL with suitable orders to substantiate his claim that he is the lineal successor of the said Bidya Chourasia. Such orders may include pronouncement by a court of competent jurisdiction and produce the same before the ECL.

Upon such production, if made within a reasonable period of time (not later than one year from date), the ECL may consider the petitioner's application and dispose of the same in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)

