

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 2859 of 2023

1. Nausad Ansari, aged about 58 years, son of late Maniruddin Ansari
 2. Abdul Aziz Ansari, aged about 36 years, son of late Tajuddin Ansari
 3. Kiyamuddin Ansari, aged about 46 years, son of late Jalaluddin Ansari
 4. Md. Kamaluddin Ansari, aged about 50 years, son of late Jalaluddin Ansari
 5. Md. Iliyas Ansari aged about 33 years, son of Sahadat Ansari
 6. Md. Ziyaul Haque, aged about 28 years, son of Abadat Ansari
- All residents of village Dhangari, P.O. and P.S. Harla, District-Bokaro

..... Petitioners

Versus

1. The Union of India through Chairman Railway Board having Office at Rail Bhawan, Rai Sina Marg, New Delhi, P.O. & P.S. New Delhi, District Central Delhi-110001;
2. The General Manager, South Eastern Railway, having office at 11 Garden Reach Road, Kolkata, P.O. & P.S. Kolkata, District Kolkata (West Bengal) - 700043;
3. The Estate Officer, S.E. Railway, Adra Division, P.O. & P.S. Adra, District Bokaro;
4. The State of Jharkhand through Deputy Commissioner, Bokaro having Office at Camp-2, P.O. & P.S. Sector-1, District Bokaro;
5. The District Land Acquisition Officer, Bokaro, office at Collectorate Campus, P.O. and P.S. Section-1, District Bokaro
6. The Circle Officer, having office at P.O. and P.S. Chas, District-Bokaro

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	: Mr. Lukesh Kumar, Advocate
For the State	: Mr. Manish Kumar, Sr. S.C.-II
For the UOI	: Mr. Anil Kumar, A.S.G.I.
	Mr. Ravi Prakash, Advocate

07/Dated: 22/07/2024

Heard Mr. Lukesh Kumar, learned counsel for the petitioners, Mr. Manish Kumar, learned counsel for the State and Anil Kumar, learned A.S.G.I. appearing for the Union of India.

2. Prayer in this writ petition is made for direction upon the respondents to make payment of compensation for the land so acquired by the respondent-authorities which is situated at Mouza-Baidhmara, Thana No. 02, Circle-Chas, Khata No. 13, Plot No. 2449, 2452, 2453 within the District Bokaro, which is the property of the petitioners.

3. Learned counsel for the petitioners submits that the petitioners'

land in question was acquired in the year 1959-62 and till date compensation has not been paid for that representation has been filed before the Bokaro Steel Plant Limited contained in Annexure-4.

4. Mr. Anil Kumar, learned A.S.G.I. appearing on behalf of the Union of India and Mr. Manish Kumar, learned counsel appearing on behalf of the State jointly oppose the prayer on the ground that there are disputed question of facts involved in the present writ petition which cannot be subject matter of the writ petition.

5. It appears that the land in question has already been acquired in the year 1959-62 as admitted in para 18 of the writ petition and now the writ petition has been filed.

6. With regard to the land in question the dispute was already there and F.A. No. 45 of 1991(R) and F.A. No. 46 of 1991(R) was decided by the Division Bench of this Court by order dated 06.12.2007. In the said appeals it was decided that the entire land was acquired by the State Government under Part II of the Land Acquisition Act for public purposes and at the public expenses for setting up iron and steel industry in the name of Bokaro Steel Plant and possession of the entire land was given to the respondent-company and it was held that by legal fiction the entire acquired land vested in respondent-company, namely, Bokaro Steel Plant of Steel Authority of India Limited free from all encumbrances. It was further held that provisions contained in Part VII of the Act is not applicable in the present case, as a result of which the formality of execution of deed of conveyance by the State in favour of the respondent-company as contemplated under Section 41 does not arise and the vesting of the land in the respondent- SAIL became effective and complete.

7. Now, such dispute has been raised by the petitioners and pleading

are not clear as to how the petitioners are claiming possession of the land in question.

8. In that view of the matter, Mr. Lukesh Kumar, learned counsel for the petitioners seeks permission to withdraw this writ petition with liberty to pursue the Annexure-4, page 84 which is representation before the competent officer of the Bokaro Steel Plant.

9. Learned counsels for the Union of India and State have got no objection.

10. Accordingly, this writ petition is dismissed as withdrawn with the aforesaid liberty. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Satyarthi