



IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(C) Nos. 4220/2010, 4221/2010,  
4238/2010 and 2793/2010

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Jhabu Gope (WPC 4220/2010)  
Shyam Sundar Sao @ Shyam Sundar Sahu (WPC 4221/2010)  
Smt. Sandhya Gorain (WPC 4238/2010)  
Shankar Gope (WPC 2793/2010) Petitioners  
Versus

The State of Jharkhand through the Secretary  
Department of Water Resources, Govt. of  
Jharkhand, Ranchi & others (In all cases) Respondents

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CORAM: The Hon'ble Mr. Justice R.K. Merathia

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For the Petitioners: Mr. Sunil Kr. Sinha and Mr. G.P. Roy, Advocates  
For the Respondents: JC to GA and JC to SC (Mines)

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3.24.01.2011 The petitioners' claim themselves to be displaced persons in  
pursuance of Subarnarekha Project.

In the present cases, they have prayed for direction on the  
respondents to issue Vikash Pustika (Identity Card) in their favour and  
to take steps for rehabilitation as per Government policy decision dated  
11<sup>th</sup> December, 1990.

Counsel for the State submitted that without counter  
affidavit, they are not in a position either to accept or controvert the  
statements made in the writ petitions. They further submitted that it is  
not known whether claims of the petitioners are genuine or not.

As the basic issue whether the petitioners are displaced  
persons and are entitled for any benefit as per Government policy  
decision dated 11<sup>th</sup> December 1990, requires determination by the  
authorities at the first instance, the cases are remitted to the  
Rehabilitation Officer, Subarnarekha Multipurpose Project, Chandil,  
Saraikella Kharsawan to determine the question and pass appropriate  
order within three months from the date of receipt of representation.

It is made clear that this court has not gone into the merits  
of respective claims of the petitioners.

These writ petitions stand disposed of with the aforesaid  
observations and directions.

(R.K. Merathia, J)

Ranjeet/

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(C) No. 6600 of 2007

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Ashwini Mahato

Petitioner

Versus

The State of Jharkhand through the Secretary,  
Department of Water Resources, Govt. of  
Jharkhand, Ranchi & others

Respondents

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CORAM: The Hon'ble Mr. Justice R.K. Merathia

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For the Petitioner: Mr. M. Jagannath, Advocate  
For the Respondents: JC to SC (L&C)

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3.24.01.2011 According to the petitioner, he has not been paid the benefits under the land acquisition scheme.

2. On the other hand, counsel for the State, referring to the counter-affidavit, submitted that the land bearing Khata No. 322 Plot No. 3522, Area 1.16 acres and Plot No. 2408, Area 3.15 acres, was acquired against which, the awarded amount of Rs. 30,462.68 was deposited in the name of the petitioner in R.D. account vide Challan dated 1.4.1992, but the petitioner refused to receive the same saying that it was on the lower side. He further submitted that the residential house of the petitioner was not acquired and therefore, there is no question of payment of compensation for the same. It is further submitted that the residential house of plot no. 3517 of Khata No. 236 was acquired and the compensation was deposited in the R.D. Account, but the petitioner has not received it.

3. No rejoinder has been filed to the counter-affidavit, though copy of the same has been served on the counsel for the petitioner on 6.3.2008.

4. In reply to the argument advanced by the counsel for the State, Mr. Jagannath submitted that the acquisition notification was issued on 16.9.1987, but the said amount was deposited in 1992. He further submitted that the petitioner will complete the formality, if any, as and when required by the authorities.

5. In view of the disputed question of facts, no positive order can be passed under writ jurisdiction. If the petitioner is so advised, he may withdraw the amount already deposited in the concerned treasury under protest and without prejudice and may move for other claim before the competent authority.

With this observation and direction, this writ petition is

disposed of.

Ranjeet/

(R.K. Merathia, J)

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(C) No. 6276 of 2006

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Mrs. Ramani Rewani

Petitioner

Versus

The State of Jharkhand & others

Respondents

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CORAM: The Hon'ble Mr. Justice R.K. Merathia

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For the Petitioner: Mr. M. Jagannath, Advocate

For the Respondents: JC to SC (L&C)

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5.24.01.2011 According to the petitioner, he has not been paid compensation against the acquisition of his house.

2. Counsel for the State, referring to the counter-affidavit, submitted that in compliance with the order of this court, the then Special Land Acquisition Officer got the matter examined by the Surveyor and from his report, it appears that the land in village Baruhatu, P.S. Chandil, Thana No. 116, district Seraiakella Kharsawan being the Khata No. 157 Plot No. 835, Land Acquisition No. 123, Area 0.02 decimals, was classified as residential and the same has been entered in the record of rights and Kheshra Panji (plot register), but during the actual land acquisition survey, no such house was found. It is further submitted that a certificate has been given by the Amin (Mapak) after completion of survey, that no house has been found during the survey and this fact was communicated to the Additional Director, Land Acquisition and Rehabilitation vide letter no. 444 dated 29.12.2001 which also shows that if any house has been constructed, it might have been constructed after acquisition of the land. Moreover, particular of the house was not mentioned in Kheshra Panji and no award was made for house and therefore, claim for compensation is not tenable.

3. Though, copy of the counter-affidavit was served on the counsel for the petitioner on 16.1.2008, but no rejoinder has been filed thereto.

4. In the circumstances, the facts mentioned in the counter-affidavit has to be accepted. Thus, there is a dispute about the existence of the house at the time of acquisition of land. Such dispute cannot be decided under the writ jurisdiction. Petitioner may avail other remedies available to her under the law.

In the result, this writ petition is dismissed.

(R.K. Merathia, J)

Ranjeet/

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(C) No. 6249 of 2006

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Radhanath Kumhar

Petitioner

Versus

The State of Jharkhand through its Secretary,  
Department of Water Resources, Govt. of  
Jharkhand, Ranchi & others

Respondents

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CORAM: The Hon'ble Mr. Justice R.K. Merathia

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For the Petitioner: Mr. M.Jagannath, Advocate  
For the Respondents: JC to SC (L&C)

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3.24.01.2011 According to the petitioner, he is entitled to get Rs. 50,000/- for construction of his house, as per the new policy.

2. Counsel for the State, referring to the counter-affidavit, submitted that the petitioner's case falls under the old policy under which Rs. 20,000/- was paid to the petitioner (Rs. 8,000/- was paid on 1.12.1991 and Rs. 12,000/- was paid by cheque dated 25.02.2008).

2. Though, copy of the counter-affidavit has been served on the counsel for the petitioner on 9.6.2008, but no rejoinder has been filed thereto.

3. However, Mr. Jagannath submitted that there was delay in payment and the petitioner is entitled to compensatory interest.

4. There appears to be no explanation as to why the amount of Rs. 12,000/- was paid after about 17 years. Accordingly, respondents are directed to pay a lump-sum compensation of Rs. 10,000/- within four weeks from today.

With this observation and direction, this writ petition is disposed of

(R.K. Merathia, J)

Ranjeet/