

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (S) No. 4205 of 2012

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Subhas DuttaPetitioners
-V e r s u s-
Bharat Coking Coal Ltd. and Ors.Respondents

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CORAM: - HON'BLE MR. JUSTICE APARESH KUMAR SINGH

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For the Petitioner : - Mr. Arun Kumar, Advocate
For the Respondent-BCCL :- Mr. Amit Kumar Sinha, Advocate.
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06/28.02.2014 The grievance of the petitioner is that the respondents should pay compensation to the petitioner for the land acquired by the respondents under Mouza-Bera, Thana No. 45, Khata No. 22, Plot No. 227, 228, 229, 230, 231, 232, 233 and 237, District-Dhanbad, having a total are 5.52 acres out of which the petitioner share is 4.14 acres.

According to the petitioner, the said land was acquired in the year 1995 and till date the respondents have not given one employment to the petitioner or his dependent son, though according to him, the said land was surreptitiously sold by one Smt Sakuntala Bala Dasi, W/o Late Atul Chandra Das one of the co-sharers to procure employment in favour of her son, Robin Kumar Das. It is submitted that the aforesaid act of Smt. Sakuntala Bala Dasi in selling the entire peace of land which comprised share of different persons including the petitioner have been noticed by the General Manager (Estate) in the noting of his file vide Note Sheet dated 5th, December, 2000. As per the information furnished to the petitioner on 28th December, 2000, it has also been indicated that the land of 5.52 acres belong to the petitioner's family with the plots in the said khata also indicated thereunder. He had made representation to the respondents in the year, 2002 and later on as well, but having failed to respond, he has moved this court in the present writ application.

According to the respondents, a total of area 21.82 acres of land were acquired in Bera, Kuya, Amtal and Jharna Mauza in the District of Dhanbad and accordingly, as per their decision 10 employments were provided to the land losers. The instant 5.52 acres of land in question also comprised amongst the aforesaid major chunk of land and the same were sold in favour of the respondent-BCCL by Smt Sakuntala Bala Dasi along with

an undertaking bond of due performance of an agreement/ contract, which is annexed as Annexure-A & B to the counter affidavit.

In that view of the matter, the son of Smt Sakuntala Bala Dasi namely Robin Kumar Das was given employment in the year 1994-95 itself. The present petitioner has moved this Court after 17 years in the year 2012. More over in such state of facts, the claim raised by the petitioner is on disputed question relating to the title, therefore, no question of payment of compensation to the petitioner or employment can arise at this stage.

I have heard learned counsel for the parties and having gone through the relevant materials on records, prima facie the writ petition appears to be barred by gross delay and latches as the petitioner is assailing the cause of action which seems to have arisen in the year 1995 upon sale of a piece of land by one Smt Sakuntala Bala Dasi for total area of 5.52 acres in favour of the respondent-BCCL, which resulted in employment to her son namely Robin Kumar Das in the same year. The petitioner though has relied upon, Annexure-2, which is a document of the year 2000 under the signature of General Manager(Estate) of the BCCL, but at no point of time it appears that he has assailed the said agreement of sale executed by the lady Smt Sakuntala Bala Dasi in favour of the BCCL despite the fact that he claims to be co-sharer amongst the entire piece of the said land.

The person, who has been granted employment in the year 1995 is also not impleaded as party, neither his appointment is under challenge in the present writ application. Therefore in the circumstances and such state of facts, this Court is not inclined to exercise the discretionary jurisdiction of the Court in the present writ petition, which is, accordingly, dismissed.

(Aparesh Kumar Singh, J.)