

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 3086 of 2022

Ramdhan Mahto Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Ranchi
 2. The Deputy Commissioner, Ranchi
 3. The District Land Acquisition Officer-cum-Authorized Officer under the National Highways Act, Ranchi
 4. The Project Director, National Highway Authority of India, Ranchi
- Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	: Mr. Lukesh Kumar, Advocate
For the Respondent-State	: Mr. Ranjan Kumar, AC to SC-I
For the Respondent-NHAI	: Mrs. Sweety Topno, Advocate
	Mr. Amrit Raj Kisku, Advocate

Order No. 06

Dated: 31.08.2023

The present writ petition has been filed for issuance of direction upon the concerned respondents to release and pay an appropriate amount of compensation to the petitioner in terms with notice No. 283 dated 23.02.2011 (Annexure-5 to the writ petition) in Land Acquisition Case No. 20 of 2010-11 issued by the respondent no. 3 – the District Land Acquisition Officer, Ranchi under Section 3-H of the National Highways Act, 1956 (hereinafter referred to as “the Act, 1956”) with respect to the land appertaining to Khata No. 352, Plot No. 1058, measuring an area of 11 decimals of Mouza-Tau, P.S-Bundu, P.S No. 27.

2. Learned counsel for the petitioner submits that the petitioner purchased 43 decimals of the land of aforesaid khata and plot from Lakhin Mahto, S/o Late Gopi Mahto (the recorded raiyat) vide registered sale deed dated 19.09.2001. Thereafter, the petitioner made an application before the Circle Officer, Bundu seeking mutation of the said land in his favour, however, the same was not allowed due to which the petitioner preferred M.A. Case No. 23 of 2003-04 in the court of Land Reforms Deputy Collector, Bundu. The said mutation appeal was allowed in his favour vide order dated 14.02.2004 with respect to 39 decimals of land of the said khata and plot. Subsequently, in the process of acquisition of land for widening of

NH-33, Land Acquisition Case No. 20 of 2010-11 was initiated by the respondent no. 3 in which a notice under Section 3-H of the Act, 1956 was issued on 23.02.2011 in the name of recorded raiyats as well as the petitioner showing him as the raiyat in possession. The said notice also suggests that an award of Rs.15,68,303/- was prepared for acquisition of 11 decimals of the said land. Pursuant to the said notice, though the petitioner approached the office of the respondent no. 3 on several occasions and also filed an application claiming the compensation, however, no further action was taken by the respondent no. 3, which has compelled him to prefer the present writ petition.

3. Having heard learned counsel for the parties and considering the aforesaid prayer made by the petitioner in the present writ petition, without entering into the petitioner's claim, he is given liberty to make fresh application in this regard before the respondent no. 3 along with the relevant documents. On receipt of the said application, the respondent no. 3, after providing an opportunity of hearing to the petitioner and other concerned persons (if so required), shall take appropriate informed decision within four weeks from the date of filing of the said application.

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

(Rajesh Shankar, J.)

Manish