

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No.1957 of 2018

1. Rajat Kumar aged about 25 years son of Late Ashok Kumar residents of Sihodih, P.O - Sirsia, P.S-Giridih(M), District - Giridih,
2. Chander Nath Raut aged about 65 years son of Late Shiv Nandan Raut residents of Birsa Chowk, Sirsia (Near Mansa Mata Temple), P.O - Sirsia, P.S-Giridih(M), District - Giridih

... Petitioners

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Giridih, P. O, P. S & District - Giridih,
3. The Additional Collector, Giridih, P. O, P. S & District - Giridih,
4. The Deputy Collector Land Reforms, Giridih, P. O, P. S & District - Giridih,
5. The District Land Acquisition Officer, Giridih, P. O, P. S & District Giridih,
6. The Circle Officer, Giridih, P. O, P. S & District - Giridih,
7. The Union of India, Ministry of Railways through General Manager, Eastern Railway, Fairly Palace, Kolkata, P.O, P.S & District - Kolkata.

... Respondents

With

W.P. (C) No.6681 of 2019

Abhinav Kumar, aged about 37 years, son of Sri Chandranath Raut, permanent resident of Birsa Chowk, Sirsia (near Mansa Mata Temple), Post Office Sirsia, Police Station Giridih (Muffasil), District Giridih (Jharkhand), at present residing at Flat No.2285, Building No.55, C.G.S. Colony, Sector-VII, S.M. Road, near Antop Hill Dargah, P.O. and P.S. Antop Hill District Mumbai (Maharashtra).

... Petitioner

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Giridih, P. O, P. S & District - Giridih,
3. The Additional Collector, Giridih, P. O, P. S & District - Giridih,
4. The Deputy Collector Land Reforms, Giridih, P. O, P. S & District - Giridih,
5. The District Land Acquisition Officer, Giridih, P. O, P. S & District Giridih,
6. The Circle Officer, Giridih, P. O, P. S & District - Giridih,
7. The Union of India, Ministry of Railways through General Manager, Eastern Railway, Fairly Palace, Kolkata, P.O, P.S & District - Kolkata.

... Respondents

For the Petitioner	: Mr. S.K. Murthy, Advocate Mr. A.N. Deo, Advocate
For the State	: Mrs. Shweta Shukla, AC to AAG II : Mr. Manish Kumar, Sr. SC-II : Mr. Ashwini Bhushan, AC to Sr.SC-II
For the UOI	: Mr. Anil Kumar, ASGI : Mr. Shiv Kr. Sharma, CGC : Mr. Nishant Kumar, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. Since both these writ petitions have been filed with the similar prayer for issuance of appropriate writ (s)/order (s)/direction (s) commanding upon the respondents to pay adequate compensation to the petitioners and their family members, hence, both these writ petitions are disposed of by this common judgment.

3. The case of the petitioners in brief is that the respective lands which are the subject matter of these two writ petitions were settled with the common ancestor of both the writ petitioners namely Janak Dulari Devi vide Land Settlement Case No.50 of 1967-68. The petitioners came to know that a portion of their land measuring an area of 1.47 acres out of total settled land of area 1.86 acres has been acquired by the respondents for construction of Koderma-Giridih new railway line without carrying out any acquisition of the land or without paying any compensation, hence, it is submitted that the prayer as prayed for, in this writ petition, be allowed.

4. Learned counsel appearing for the State on the other hand vehemently opposes the prayer of the petitioner and submits that on the basis of Letter No.334 dated 15.05.2009 and Letter No.42 dated 12.02.2015 issued by the Department of Revenue, Registration and Land Reforms, Government of Jharkhand, the Additional Collector, Giridih, the claim of the petitioners for compensation is not valid, since the acquisition of the land was in respect of railways. In this respect, the learned counsel for the State draws attention of the Court to Annexure-A of the counter affidavit, which is the letter of the Jharkhand Government in its Revenue and Land Reforms Department dated 14.05.2009 which provides compensation for persons who have been in possession of the *Gair Majurwa Khas* land for a period of over 30 years and *Jamabandi* in whose name is running for more than 30 years, but the said special provision is applicable, only for acquisition of land projects of public sector undertaking of the Central Government, but the railways is not a public sector undertaking, rather it is the department of Central Government, hence, the

persons in whose favor settlement of government land has been made are not entitled to any compensation, when the land is acquired for railways, hence, it is submitted that this writ petition, being without any merit, be dismissed.

5. Learned counsel for the respondent no.7 submits that the respondent no.7 has got no concern with the action of the Additional Collector, Giridih.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the undisputed facts remains that the subject matter of these two writ petitions is 1.47 acres of land. The undisputed facts remains that the said land was settled in favor of the common ancestor of the writ petitioners of both these writ petitions by the State Government. The undisputed facts remains that it is the policy of the government not to pay compensation, in respect of land which was settled to the private individuals by the State Government, when such land is used for railways.

7. Under such circumstances, this Court do not find any illegality in the respondent authorities not paying any compensation to the petitioners as undisputedly the land has been used for the railways for constructing Koderma-Giridih new railway line and the land in question was settled by the State Government to the common ancestor of both the writ petitioners; but their name has not been entered in the revenue records.

8. Accordingly, both these writ petitions, being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)