

Jharkhand High Court

Ahmad Ali vs C.M.D., C.C.L. & Ors. on 21 April, 2009

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 1423 of 2004

Ahmad Ali... .. Petitioner

Versus

Chief Managing Director, C.C.L. & Ors.... Respondents

CORAM: HON'BLE MR. JUSTICE AJIT KUMAR SINHA

For the Petitioner: Mr. Sri Krishna Pandey

For the Respondent nos.1-5: Mr. A.K. Das

For the Respondent no.6: Mr. Mahavir Pd. Sinha

4/21.4.2009

The present writ petition has been preferred for claiming compensation in lieu of acquisition of alleged land to the extent of 1.50 acres and also compensatory employment in lieu of the acquisition of land under C.B.A. Act.

There is serious dispute with regard to the area and extent of land in question. The respondents in their counter affidavit admit that the acquisition under Coal Bearing Area (A&D) Act 1957 was for an area of 1.50 acres. The respondents in their counter affidavit at para-15 has stated as under:

"That the statements of paragraph-13 of the writ application are matter of records. However, it is further stated that the petitioner, as mentioned in above paragraphs purchased only 1.50 acre and not 2.00 acres. It is also not correct that his 2.00 acres of land fall within the active working zone of the respondents. In fact, of the 1.50 acres purchased by the petitioner, only 0.30 acre fall within the active working zone and rest not."

Upon being questioned, the learned counsel for the respondents submits that the petitioner was put to notice to collect the amount in lieu of compensation on 10.1.2000 and date was also fixed for payment but he did not turn up to receive the amount.

Be that as it may, once they admitted that amount of compensation is payable in lieu of acquisition of land in question they should at least release the amount to which petitioner is admittedly entitled to.

However, as regards the other claim of compensatory employment there are two hurdles. Firstly, as per the Scheme the petitioner is not entitled for compensatory employment since there has to be an acquisition of land measuring 2.00 acres whereas the acquired land of the petitioner in question is measuring 1.50 acres only. Secondly, in view of the fact that there is no legal or accrued right to have compensatory employment the relief claimed can not be granted.

Considering the aforesaid facts and circumstances of the case, the respondents are directed to

release the compensation amount for the area in question i.e. 1.50 acres of land within a period of two months from the date of receipt of a copy of this order. They should also consider the payment of interest in accordance with law.

This writ petition is accordingly allowed in part with the aforesaid directions.

(Ajit Kumar Sinha, J) Sudhir/