

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 4087 of 2017

1. Md. Najmul Ansari, s/o Md. Azmutullah Ansari,
2. Md. Tanveer Alam, s/o Md. Azmutullah Ansari,
3. Md. Istekhar Alam, s/o Md. Azmutullah Ansari,
4. Md. Touhid Alam, s/o Md. Azmutullah Ansari,
5. Md. Intekhab Alam, s/o Md. Azmutullah Ansari,
6. Asifa Farhin, d/o Md. Azmutullah Ansari,
7. Sama Parveen, d/o Md. Azmutullah Ansari,
8. Jasmine Khatun, d/o Md. Azmutullah Ansari,
 Minors through their natural guardian Md. Azmutullah Ansari,
 s/o Md. Taharuddin Ansari
 All are resident of Village- Bara Bhoray, P.O.- Lohandia Bazar,
 P.S.- Lalmatiya, Dist.- Godda, Jharkhand
9. Mahfuj Ansari, s/o Anesh Ansari,
10. Sawista Khatun, d/o Anesh Ansari,
11. Majahar Ansari, s/o Anesh Ansari,
 Minors through their natural guardian Anesh Ansari, s/o Ajit
 Ansari, resident of Village- Bara Bhoray, P.O.- Lohandia Bazar,
 P.S.- Lalmatiya, Dist.- Godda, Jharkhand
12. Salim Ansari, s/o Md. Alam Ansari
13. Halim Ansari, s/o Md. Alam Ansari
14. Jainab Khatun, d/o Md. Alam Ansari
15. Rehana Khatun, d/o Md. Alam Ansari
 Minors through their natural guardian Md. Alam Ansari, s/o
 Karim Ansari, resident of Village- Bara Bhoray, P.O.- Lohandia
 Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand
16. Md. Toufik Ansari, s/o Sahadat Ansari
17. Md. Barjahan Ansari, s/o Sahadat Ansari
18. Farina Khatun, d/o Sahadat Ansari
 Minors through their natural guardian Sahadat Ansari, s/o
 Tahiruddin Ansari, resident of Village- Bara Bhoray, P.O.-
 Lohandia Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand
19. Sahema Khatun, d/o Md. Samsuddin Ansari
20. Nasima Khatun, d/o Md. Samsuddin Ansari

21. Md. Parwej Ansari, s/o Md. Samsuddin Ansari

22. Md. Murteza Ansari, s/o Md. Samsuddin Ansari

Minors through their natural guardian Md. Samsuddin Ansari,
s/o Rasid Ansari, resident of Village- Bara Bhoray, P.O.-
Lohandia Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand

23. Sahena Khatun, d/o Md. Karim Ansari

24. Md. Juber Ansari, s/o Md. Karim Ansari

25. Aajima Khatun, d/o Md. Karim Ansari

26. Sahera Khatun, d/o Md. Karim Ansari

27. Nazima Khatun, d/o Md. Karim Ansari

28. Md. Hasim Ansari, s/o Md. Karim Ansari

Minors through their natural guardian Md. Karim Ansari, s/o
Abdul Bahaw Ansari, resident of Village- Bara Bhoray, P.O.-
Lohandia Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand

29. Gulafsa Khatun, d/o Md. Rauf Ansari

30. Farida Khatun, d/o Md. Rauf Ansari

31. Md. Shamim Ansari, s/o Md. Rauf Ansari

32. Saheda Khatun, d/o Md. Rauf Ansari

33. Md. Shahil Ansari, s/o Md. Rauf Ansari

Minors through their natural guardian Md. Rauf Ansari, s/o
Khalil Ansari, resident of Village- Bara Bhoray, P.O.- Lohandia
Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand

34. Md. Nesar Ansari, s/o Md. Qurban Ansari

35. Md. Istekhar Ansari, s/o Md. Qurban Ansari

36. Md. Atif, s/o Md. Qurban Ansari

Minors through their natural guardian Md. Qurban Ansari, s/o
Md. Khalil Ansari, resident of Village- Bara Bhoray, P.O.-
Lohandia Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand

37. Faruq Ansari, s/o Rahim Ansari

38. Sohur Ansari, s/o Rahim Ansari

39. Tarana Khatun, d/o Rahim Ansari

40. Sahid Ansari, s/o Rahim Ansari

41. Sabana Khatun, d/o Rahim Ansari

42. Sadik Ansari, s/o Rahim Ansari

Minors through their natural guardian Md. Rahim Ansari, s/o
Vahav Ansari, resident of Village- Bara Bhoray, P.O.- Lohandia
Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand

43. Abdul Khalik, s/o Ibrahim Ansari

44. Md. Jahid Ansari, s/o Ibrahim Ansari

45. Jabir Ansari, s/o Ibrahim Ansari

46. Abdul Malik, s/o Ibrahim Ansari

47. Saheda Khatun, s/o Ibrahim Ansari

Minors through their natural guardian Ibrahim Ansari, s/o
Gulfan Ansari, resident of Village- Bara Bhoray, P.O.- Lohandia
Bazar, P.S.- Lalmatiya, Dist.- Godda, Jharkhand

....

Petitioner

Versus

1. The State of Jharkhand through Chief Secretary, Government of
Jharkhand, At Project Building Dhurwa, P.O. & P.S.- Dhurwa,
Dist.- Ranchi
2. The Deputy Commissioner, Godda, P.O.- Godda, P.S.- Godda
(T), Dist.- Godda, Jharkhand
3. The Sub-Divisional Officer, Mahagama, P.O. & P.S.- Mahagama
Dist.- Godda, Jharkhand
4. The Circle Officer, Boarijore, P.O. & P.S.- Boarijore, Dist.- Godda,
Jharkhand
5. The General Manager, ECL, Rajmahal Mining Group, P.O. &
P.S.- Lalmatiya, Dist.- Godda, Jharkhand
6. The Regional Manager, ECL, Rajmahal Area, P.O. & P.S.-
Lalmatiya, Dist.- Godda, Jharkhand
7. The Land Acquisition Officer, ECL, Rajmahal Area, P.O. & P.S.-
Lalmatiya, Dist.- Godda, Jharkhand

....

Respondents

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

....

For the Petitioner

: Mr. Pankaj Kr. Choudhary, Advocate

For the State

: Mr. Sanjay Kr. Tiwari, SC-I

For Resp. Nos.5 to 7

: Mr. Rajesh Lala, Advocate

.....

By the Court:-

1. Heard the parties.
2. This Writ Petition has been filed under Articles 226 of the Constitution of India with a prayer to allot units of accommodation under the Settlement and rehabilitation scheme to the minor petitioners according to the agreement letter kept at Annexure-1 because similarly situated minors have been allotted plot by the respondents according to the agreement at Lamatia Overburdened Rehabilitation site mentioned in Annexure-2.
3. It is submitted by the learned counsel for the petitioner that the petitioners and their respective guardians are khatiyani raiyats. Though it has not been specifically pleaded but it appears that their lands was acquired by the respondent nos.5 to 7 under the Coal Bearing Area (Acquisition & Development) Act, 1957. It is then submitted by the learned counsel for the petitioners that the petitioners claimed that an agreement was made between the respondents and the villagers of Bara Bhoray regarding the displacement and rehabilitation of the villagers and the respondent no.6 issued a letter vide Annexure-1 to consider settlement of plot to minors in place of monetary benefits but they have failed to do so. Hence, it is submitted that the relief as prayed for be allowed.
4. Learned counsel for the respondent nos.5 to 7 submits that Annexure-1 is a forged document and the same is not an agreement as claimed by the petitioners. Drawing attention of this Court to the Settlement & Rehabilitation Policy, 2000 of Coal India

Limited, it is submitted by the learned counsel for the respondent nos.5 to 7 that in clause 10, it has been categorically mentioned that it is the Coal India Policy to recognize adult individual as unit of entitlement hence, the question of recognizing minors as units of entitlement cannot be made by the respondent nos.5 to 7. It is next submitted by the learned counsel for the respondent nos.5 to 7 that there is absolutely no document in the record to suggest that any minor has been recognized as unit for entitlement under the Settlement & Rehabilitation Policy of the respondent nos.5 to 7. Hence, it is submitted that this writ petition being without any merit be dismissed.

5. Having heard the rival submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that the respondent no.6 itself who is purported to have issued Annexure-1 has categorically taken a stand that Annexure-1 is a forged document and there is no material in the record that any minor has been recognized as units for entitlement under the Settlement & Rehabilitation Policy of the respondent nos.5 to 7. This Court is of the considered view that in view of the disputed facts; firstly as the very basis of the claim of the petitioners about the Annexure-1 is to be adjudicated as to whether the same is a forged document or not, and which obviously cannot be done in a writ petition and secondly as there is no material in the record to establish that any minor has been recognized as units for entitlement under the Settlement & Rehabilitation Policy of the respondent nos.5 to 7, which is also a

basis of the claim of the petitioners; this Court is not inclined to allow the prayer of the petitioners made in this writ petition. Accordingly, this writ is dismissed.

6. The petitioners if so advised may file appropriate proceeding in appropriate court of law for redressal of their grievances.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 11th January, 2024
AFR/Sonu-Gunjan/-