

Writ
Petition

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Registers

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केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
1	2	3

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI

Misc Appeal - 08/18-19
DCTR No.- 04 R 28/2019-20

John Maria ...Appellant
-Versus-
StateOpp. Party

ORDER

19.02.19

The record of the Present appeal has been transferred by the Learned Addl Collector, Ranchi as per the opinion rendered by the Learned Sr. Standing Counsel vide Letter No.-7596 dated 29.07.2019 to pass appropriate order as per the direction of the Hon'ble High Court pronounced in WP (C) No.-4816/2012.

The Hon'ble High Court in WP (C) No.-4816/2012 has remanded the instant matter with a direction to pass an appropriate order upon the representation filed by the appellant John Maria W/o Rejus Bara D/o Late Piyus Bara, Resident of Qtr No.-B/178 Dakra, P.O. Dakra P.S. Khelari, District Ranchi after observing "Accordingly, this writ petition is disposed of with the liberty to the petitioners to approach the Deputy Commissioner, Ranchi for purpose of redressal of their grievance regarding payment of compensation by filing a representation along with a copy of this order and the said authority, upon receipt of the representation, is directed to pass an appropriate order within a period of four months from the date of receipt of a copy of this order. It is expected that all endeavour will be made to ensure that the amount of compensation if found payable to the petitioner, is paid to them as early as possible".

The Learned Addl Collector vide order dated 18.06.2014 has rejected the claim of the appellant after holding that the land in question is Gair-majurwa land and the appellant has failed to produce any document regarding valid procurement of the same.

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reviser

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According to the Learned Advocate appearing on behalf of the appellants, the land under Khata No.-63, Plot No.-7/7, 7/8, 7/9, 7/10, 7/11 measuring total area of 8 Acres of Village Mayapur, P.S. Khelari, District Ranchi was acquired by the State for the purpose of establishment of the project of Central Coalfield Ltd and pursuant to the acquisition four members of the present appellants were also given appointment and after working for five years they were terminated from the service on the ground that the land in question was denotified U/s 48 of the L.A. Act. The appellant thereafter filed a Title Suit being TS No.-227/2000, which was decreed in favour of the present appellant on 17.11.2003 and its appeal being T.A. No.-43/2000 preferred by the State was dismissed for default.

Further according to the Learned Advocate appearing on behalf of the appellants, although the right, title, interest over the land in question has been decided by the competent court, no compensation has been paid to the appellant till date.

On the other hand, according to the Learned Advocate appearing on behalf of the CCL, it is admitted that the land in question stands recorded as Gairmajurwa in the R.S. Record of Right and was acquired by the State, but later on the same was denotified on the ground that land are gairmajurwa and thereafter the same was taken in Coal bearing area under Coal Bearing Areas (Acquisition and Development) Act, 1957 the land in question was acquired by the notification of the Government of India in the Ministry of Coal vide SO No.-1169 dated 09.11.2016 U/s 4 (1) of CBA Act, published in the Gazette of India on 21.03.2016 SO No.-1169 dated 09.11.2015 U/s 7 (1) of the Act published in the Gazette of India on 21.03.2016 and vide SO No.-1169 dated 09.11.2015 U/s 9(1) of the Act, published in the Gazette of India on 21.03.2016.

Further according to the Learned Advocate, no compensation could be granted to the appellant unless certificate raiyati right is established by the appellant. After aforesaid

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Not
return

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notification, the land has vested free from all encumbrances and the CCL is in possession of the same on the strength of notification issued under the Act of 1957.

Having heard both the parties and on perusal of materials available on record, I find that the land in question has been notified under the provisions laid under the Coal Bearing Areas (Acquisition and Development) Act, 1957 and as per Section 14 of the Act of 1957, —

- (1) Where the amount of any compensation payable under this Act can be fixed by agreement, it shall be paid in accordance with such agreement.
- (2) Where no such agreement can be reached, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a Judge of a High Court for the purpose of determining the amount.
- (3) The Central Government may in any particular case nominate a person having expert knowledge in mining to assist the Tribunal, and where such nomination is made, the person or persons interested may also nominate any other person for the same purpose.
- (4) At the commencement of the proceedings before the Tribunal the Central Government and the person interested shall state what in their respective opinions is a fair amount of compensation.
- (5) The Tribunal shall after hearing the dispute, make an award determining the amount of compensation which appears to it to be just, and specify the person or persons to whom the compensation shall be paid; and in making the award the Tribunal shall have regard to the circumstances of each case and to the foregoing provisions of this Act with respect to the manner in which the amount of compensation shall be determined in so far as the said provisions or any of them may be applicable.

[Handwritten signature]

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2019
20/12/19

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(6) Where there is a dispute as to the person or persons entitled to compensation and the Tribunal finds that more persons than one are entitled to compensation, it shall apportion the amount thereof among such persons and in such manner as it thinks fit.

Further according to Proviso II of Section 17 (2) - Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Having regard to the facts and circumstances mentioned above, I find that, since the land in question has been notified under the provisions laid under the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Special Tribunal constituted under the Act of 1957 has got jurisdiction for apportionment of compensation (if any), hence, the instant appeal of instant case is dropped and the appellant has liberty to prefer a claim for compensation before the Special Tribunal constituted under the Act of 1957.

Communicate this order to all concerned authorities for information and needful.

Dictated and corrected by me

Ray 11/12/19
Deputy Commissioner
Ranchi

Ray 11/12/19
Deputy Commissioner
Ranchi

copy forwarded to
DC Ranchi DA LO.
Ranchi General
Manager N.C Area
Khalari and CO.
information for
necessary action
vide Memo 20/12/19
dt 20.12.19