IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1762 of 2021

Sachidanand Choudhary, Son of Baleshwar Choudhary, Resident of Village- Chihomarni, P.O. Khairwa, P.S. Jashidih, Dist.- Deoghar/ Jharkhand.

… … Petitioner

Versus

1. State of Jharkhand.
2. The Joint Secretary, Water Resources Department, Govt. of Jharkhand, Project Building, Dhurwa, P.O. and P.S. Dhurwa, Dist.- Ranchi/ Jharkhand.
3. The Deputy Commissioner, Deoghar, P.O. and P.S. and District- Deoghar, Jharkhand.
4. The Additional Collector, Deoghar, P.O. and P.S. and District- Deoghar, Jharkhand.
5. The Special Land Acquisition Officer, Medium Irrigation Project, Deoghar, Deoghar, P.O. and P.S. and District- Deoghar, Jharkhand.

… … Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner : Mr. Rishi Pallav, Advocate
Mr. Saurav Aman, Advocate
Mr. Bhanu Kumar No. I, Advocate

For the Respondents: Ms. Sunita Kumari, A.C. to Sr. SC

O R D E R

Reserved on 21.07.2026 **Pronounced on: 03.08.2026**

By way of filing this writ petition, the petitioner has sought for the following reliefs: -

> a) for issuance of a writ(s)/order (s)/direction (s) or particularly a writ in the nature of certiorari for quashing the order dated 12.1.2021 (Annexure-17) by which the claim of the petitioner for payment of adequate compensation has been rejected on the ground that the land is the Govt. Land and the settlement has not been done legally which is against the Santhal Pargana Tenancy Act r/w Right to Fare Compensation and Transparency in land Acquisition, Rehabilitation and re-settlement Act, 2013 as the power is not vested with the Deputy Commissioner and also in violation of the provisions of the aforesaid Act and the order impugned is also illegal in view of the fact that the land was settled in favour of the petitioner as Mool Raiyat Pradhani and settled with the patta and entered in Register-II and also in view of the fact that

the petitioner is being discriminated with the other similarly situated persons who have been awarded with the compensation against the said land at Dag No.178 of Village - Chihomarni No.53 in Misc. Case No.6/2002-2003, the compensation awarded by the court below but the discrimination has been made only with the petitioner by the authorities concerned who have issued the impugned order;

(b) for issuance of a writ(s)/order (s)/direction (s) or particularly a writ in the nature of mandamus commanding upon the respondents for payment of adequate compensation of the house standing over the land at Dag No. 178 of Village Chihomarni No.53, which has been acquired by the respondent authorities for construction of Punashi Dam Project.

2. It is the case of the petitioner that his land and house built has been acquired for the construction of the *Punashi Dam* Project, Deoghar under the scheme of Medium Irrigation project in the year 1986. The land of the petitioner comes under the Santhal Pargana Tenancy Act. The petitioner contends that the land was settled in his favour through a valid *Patta.* His name was recorded in Register-II, and rent receipts were regularly issued. Although his house and land were acquired in 1986, no compensation was paid to him. In Misc. Case No. 6 of 2002-03 by order dated 04.04.2014, the Deputy Commissioner, Deoghar held that compensation for houses situated on *Gair Mazaruwa* land was payable in accordance with law. A representation was made on 10.08.2011 and again 04.09.2014 by the petitioner along with other Raiyats before the Additional Commissioner, Deoghar for payment of adequate compensation, which was followed by an enquiry and vide letter dated 30.12.2014, *Halka Karmachari* submitted the report to the C.O., Deoghar stating that several houses including that of the petitioner’s were standing over Daag No.178, Mouza Chihomarni. Despite enquiry report and recommendations supporting the petitioner's claim, and a direction of this Court in W.P.(C) No. 5464 of 2018 dated 30.01.2019 to consider his case, the Deputy Commissioner rejected the claim by the impugned order dated 12.01.2021, leading to the filing of the present writ petition.

3. Learned counsel for the petitioner submitted that the impugned order dated 12.01.2021 is arbitrary, illegal and without jurisdiction, as the Deputy Commissioner had no authority to reject the petitioner's claim by declaring the

settlement illegal. It is submitted that the petitioner is a lawful settlee of the land under a *Pradhani Patta.* His name has been recorded in Register-II, and rent has been accepted by the State, thereby recognizing his possession. It is further contended that the respondents acquired the petitioner's house and land for the *Punashi Dam* Project without payment of compensation, despite repeated enquiry reports confirming the existence of the house and also letters of the Circle Officer, Additional Collector and Special Land Acquisition Officer for payment of compensation. The petitioner further contended that similarly situated raiyats have been granted compensation under Misc. Case No. 33 of 1993-94 and Misc. Case No. 6 of 2002-03, and denial of the same benefit to the petitioner amounts to discrimination in violation of Articles 14 and 300A of the Constitution. It is therefore prayed that the impugned order be quashed and the respondents be directed to pay adequate compensation in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Learned counsel for the respondents submitted that the petitioner's claim has rightly been rejected after due enquiry, as the land in question is recorded as Government (*Gair Mazaruwa*) land and no valid settlement in favour of the petitioner has been established in accordance with the provisions of the Santhal Pargana Tenancy Act. It is contended that mere possession, payment of rent, or production of a *Pradhani Patta* does not confer a legal or heritable title entitling the petitioner to claim compensation. The respondents further submitted that the petitioner's settlement was found to be unauthorized, thus, his claim was rightly rejected by the Deputy Commissioner. It is also argued that the cases of other persons who received compensation were based on separate factual and legal considerations and cannot be relied upon by the petitioner to claim parity. Thus, it is submitted that no arbitrariness, discrimination or illegality has been committed by the authorities, and the writ petition is liable to be dismissed.

5. From the arguments of the parties and on perusal of the records, specially the impugned order, it appears that the Special Land Acquisition Officer, Medium Irrigation Project, Deoghar sought a report from the Deputy Commissioner, Deoghar, regarding the settlement of the land in question, through departmental letter no. 6579 dated 22.11.2019.In light of the said letter, the Deputy Commissioner, Deoghar, through letter no.415 dated 18.06.2020, reported that the land in question is listed as *Pariti Kadim* in the

survey *khatian, Gair Mazaruwa Khata* no. 8, *Daag* no. 178, area 17.10 acres. Since the report has no finding with regarding the settlement of the land in question, a clear report in this regard was again sought through letter dated 25.09.2020.A fresh report dated 28.10.2020 was submitted by the Deputy Commissioner-cum-District Magistrate, Deoghar, stating that the land in question of the petitioner is not a legal settlement from the competent authority. Considering the petitioner's settlement was not lawful and based on such findings his claim was rejected by the Deputy Commissioner.

6. It is an undisputed fact that several houses including the petitioner were standing over land in question. In enquiry report dated 18.06.2020 it has come on record that the house is built in the old-fashioned way, with mud walls and a brick house with a tiled roof. This proves petitioner’s possession over the land by constructing a house.

7. Learned counsel for the petitioner confined his submission which is also recorded in the order dated 25.06.2024 is that the case of the petitioner is similarly situated to that of Subhadra Devi and Nanku Choudhary. Since they have already been paid compensation for construction made over the land in question, the petitioner also deserves to be paid compensation at least for construction over part of *Daag* No. 178.

8. I find that the respondents in counter affidavit dated 22.02.2024 at paragraph No.9, 10 & 11 admitted that similarly situated persons have been awarded compensation for their houses build over the land in question. However, stated that the case of the petitioner is not squarely covered by this order because the *Daag* No. 178 is *Gair Mazaruwa* land and was not validly settled to the petitioner, as with the such whatever compensation against unauthorized construction over the *Gair Mazaruwa* Land, is claimed by the petitioner, cannot be compensated because illegality cannot be perpetuated under law. Paragraph No.9 to 11 is quoted hereinbelow:

> ***9.That it is most humbly stated herein that illegal construction over Govt. Land/Gair Mazaruwa Land/ illegally settled land, cannot attract compensation.***
>
> ***However, One Subhadra Devi & 10 other who had constructed house over land Comprised in Daag no-178 A village-Chihomarni, No- 53 was granted compensation by Deputy Commissioner, Deoghar vide order dated 04/04/2014 passed in Misc. Case No. 06/2002-03 (Subhdra Devi & others Versus Special Land Acquisition Officer, Deoghar) Where it was made clear that the payment on account of construction of house over validly settled Gair Mazaruwa Land can be made but compensation for vacant Gair Mazaruwa Land is not admissible.***

> ***10. That it is further Stated and submitted that compensation was also paid to some of the heirs and successors of Nanku Chaudhary is Mis Case 33/93-94 vide order dated 02.02.1994 passed by Additional Deputy Commissioner Deoghar and this fact is mentioned in order annexes as Annexure B to this affidavit.***
> ***11. That the case of the petitioner is not squarely covered by this order because the Plot No. 178 Gair Mazaruwa land was not validly settled petitioner, as with the such whatever compensation against unauthorized construction over the Gair Mazaruwa Land, is claimed by the petitioner, cannot be compensated because illegality cannot be perpetuated under law.***

9. From the submissions and pleadings of the respondents, I find that they tried to give an impression that the settlement of the lands in favour of the ancestors of the petitioner is bad, thus, their case is not similar to that of Subhadra Devi and Nanku Choudhary. It is the case of the respondents that the land over which the construction was made by Subhadra Devi and Nanku Choudhary was Gair Mazaruwa land and the land, which is subject matter of this writ petition is also Gair Mazaruwa. The fact that forefathers of the petitioner were in possession over the land in question since 1934 has been specifically pleaded at paragraph 3 of Supplementary Affidavit dated 06.09.2023, filed by the petitioner. The land was also mutated in 1965. The extract copy of Register II, which is Annexure 10, is in support of the petitioner's contention. Thus, the fact that the petitioner is in possession over the land in question since long cannot be disputed. Thus, even if it is held that the petitioners are not entitled for compensation in respect of the land in question, as there is dispute about the legality of the settlement, compensation in respect of the house and building cannot be denied. Thus, in view of what has been held above, petitioner is entitled for the compensation in respect of the house and structures over the land in question, which should be disbursed at the earliest after making necessary assessment, within 16 weeks from the date of receipt of a copy of this order.

10. This writ petition is, thus, disposed of with the aforesaid directions. Pending interlocutory applications, if any, also stand disposed of.

(Ananda Sen, J.)

Ranchi
Dated 3rd August, 2026
Kumar/Cp-02

Uploaded on 03.08.2026