

IN THE HIGH COURT OF JHARKHAND AT RANCHI

**WP(C) No.3509 of 2020**

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1. Shila Devi, aged about 60 years, Wife of Hulas Mahto, R/o village-Kundauri, Near Durga Mandir, P.O.- Kundauri, P.S.- Chas, District-Bokaro.
2. Pagal Sao, aged about 45 years, Son of Late Bhulu Sao, R/o - Rehabilitation Area, Totari, Tupkadih, P.O. Tupkadih, P.S.-Paridih, District-Bokaro.
3. Fulia Devi, aged about 50 years, Wife of Late Butan Mahto, R/o Jagriti Nagar, Tupkadih, P.O. Tupkadih, P.S. Paridih, District-Bokaro.
4. Samphuran Rajhans, aged about 42 years, Son of Ram Tarak Rajhans, R/o Ranipokhar, P.O. Baidmara, P.S. Harla, District Bokaro.

**... Petitioner(s).**

Versus

1. The State of Jharkhand through the Secretary, Revenue, Registration and Land Reforms Department, Government of Jharkhand, Ranchi, P.O. & P.S. Dhurwa, District Ranchi.
2. Deputy Commissioner, Bokaro, P.O. & P.S.-Bokaro Steel City, District Bokaro.
3. Special Land Acquisition Officer, Bokaro, P.O. & P.S. Bokaro Steel City, District Bokaro.
4. Circle Officer, Chas, P.O. & P.S.- Chas, District- Bokaro.
5. Bokaro Steel Plant through Managing Director, Bokaro Steel Plant, Bokaro, P.O. & P.S.-Bokaro. Bokaro Steel City, District Bokaro
6. Executive Director, Personnel and Administration, Bokaro Steel Plant, P.O. & P.S.-Bokaro Steel City, District Bokaro.

**... Respondents.**

**PRESENT**

**SRI ANANDA SEN, J.**

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For the Petitioner(s) : Mr. Sanjeev Thakur, Advocate  
For the Respondents : Mr. Om Prakash Tiwari, GP-III  
Mr. Bibhash Sinha, Advocate

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**ORDER**

Reserved on : 06<sup>th</sup> July 2026

Pronounced on : 14<sup>th</sup> July 2026

In this writ petition the petitioners pray for a direction upon the respondents to pay adequate compensation in lieu of the land used/occupied by the respondent nos. 5 and 6 by constructing a boundary wall and taking land of the petitioners at Mouza-Kanari, Thana Balidih, Khata No. 146, Plot Nos. 3229, 680, 1108, 3034,

1632, 1548, 1407, 1027, 1067, 875, 3303 and Khata No. 226, Plot No. 2882 total area of 78.86 acre without acquiring the same. The petitioners pray that adequate compensation be given to them along with statutory interest.

**2.** Learned counsel for the petitioners submits that the land has been acquired earlier for construction of Bokaro Steel Plant, in the year 1956 by way of notification by the then State of Bihar. But land totaling area of 561 acres has not been acquired by the State Government. The respondent nos. 5 and 6 started using land of several persons of Mouza-Kanari, Thana-Balidih including land of these petitioners by constructing a boundary wall without legally acquiring it. He further submits that State authorities constituted a committee and after due enquiry found that the petitioners were genuine land losers entitled to compensation for the land occupied by the respondents. He also submits that despite the committee's recommendation and the petitioners' several representations, the respondent nos. 5 and 6 have failed to pay any compensation. They to continue to use the petitioners' land without following due process and without payment of compensation is illegal and contrary to the provisions of the Land Acquisition Act. Thus, the petitioners are entitled to compensation in accordance with the applicable law.

**3.** Learned counsel for the State by referring to the counter affidavit of respondent no. 4 the Circle Officer stated that the land in question i.e. of Mouza-Kanari, Thana-Balidih, Khata No.416 and Khata No. 226 is gairmazarua khas land, which was recorded such in the cadastral survey. Thus, the same being the government land was handed over by the State to the Bokaro Steel Plant in the year 1968 without compensation. He submits that the petitioners are claiming said land as their raiyati land but no valid legal title documents were produced. They claim that the land were settled by the erstwhile landlord sometime in the year 1935-40 but surprisingly there is no entries made to that effect in the government records regarding the aforesaid settlement of land. Thus, in view of the

Bihar Land Reforms Act, the land of the zamindar vested with the State.

**4.** The State further submitted that there was no Award under the land acquisition in favour of the petitioners. The land in Mauza-Kanari was acquired by Notification No. 9060 dated 10.08.1956 and Declaration No. 7486 dated 24.09.1962 in LA Case No. 76/1962-63 and joint Award was made against Khata No. 146 plot No. 1027 a total area of plot no. 1027 acres is 23.75 acres and out of same an Award was made for only 12.17 acres in the name of different persons, out of which 5.35 acres of land has been transferred to Bokaro Steel Plant. Similarly for Plot No. 1067 total area is 11.25 acres and joint Award has been made for 2.05 acres. No Award was made in favour of Hullas Mahto and Panchanan Mahto. The petitioners are claiming land in relation to plot no. 1027 (10.89 acres) and plot no. 1067 (9 acres) but there is no joint Award in the name of petitioner no. 1. Similarly they have stated that there is no joint Award in the name of petitioner no. 2 or their ancestors. It has been stated that though name of some of the petitioners are appearing in "Bujharat Panjee" but the said document is not a proof of title and solely on the basis of entries found in the "Bujharat Panjee" compensation cannot be made more so when the land is shown to be gairmazarua land which belongs to the government.

**5.** Steel Authority of India Limited have filed their counter affidavit and have stated that total area i.e. 31287.24 acres of 49 villages were acquired for Bokaro Steel Plant which includes village-Kanari. Though in the entire village-Kanari there were 2728.79 acres, 2039.19 acres have been acquired by the State Government on payment basis which was handed over to the Bokaro Steel Plant. Further 128.66 acres was also transferred which is gairmazarua i.e. the land belonged to the government. This land which belonged to the government was transferred free of cost. He further stated that Bokaro Steel Plant is not involved in making payments to the raiyats as the compensation has been paid to the State and payment of the same, was exclusively within

State's purview. He submits that the land was acquired sometime in the year 1956 and 1976 and these petitioners are approaching this Court after a long delay. He submits that there is no document in favour of the petitioners to suggest that they are the raiyats. The petitioners thus should first satisfy their title over the land in question to seek any compensation that too, should be from the State.

**6.** From the arguments of the parties, I find that the petitioners are claiming compensation on the ground that their land has been acquired or has been utilized by the Steel Authority of India Limited. Admittedly the acquisition was by the State. Further it is the case of the State that there is no record to suggest that the petitioners are the raiyats. The petitioners claimed their title on the basis of settlement done by the landlord but in the government record there is nothing to suggest that the land was settled in their favour or in favour of their ancestors, by the landlord. In the absence of any document of settlement and returns, filed by the erstwhile zamindar, under the Bihar Land Reforms Act, after abolition of the zamindari, the land vested with the State.

**7.** In the supplementary counter-affidavit filed by respondent nos. 2 to 4 on 14.11.2022 some documents and charts have been annexed. At page-16 is some order made by the Circle Officer, Chas dated 01.11.2022. From this chart it is clear that in the remarks column in respect of several persons remarks have been made that they did not fulfill the requisite qualifications to get compensation. In page-43 at serial no. 60 name of the petitioner no.3 is reflected and in the remarks column it has been written that the petitioners have produced the rent receipts but after going through the documents it was found that the land is gairmazurua khas and in Register-II the name of the petitioners does not reflected.

**8.** Be it noted that a rent receipts are not a proof of title. In respect of several persons, noting has been made that there is no record to suggest that the land belongs to them.

**9.** A land looser can receive compensation only if they can prove that they are the actual raiyats and land was recorded in their name or in the name of their ancestors. In this case there is no conclusive document to prove that the petitioners are the raiyats. Placing some photocopy of rent receipts will not entitle them to receive compensation as rent receipts are not a proof of title. Further in the government record the land was recorded as gairmazurua land which is a government land.

**10.** Considering all these facts, it is not possible for this Court while exercising jurisdiction under Article 226 of the Constitution to come to a concrete finding that the petitioners are raiyats and owners of the land and title of the land is in their favour.

**11.** In view of the observation, the petitioners should first get the title of the land declared in their favour, and then only the question of compensation will arise. This is a case where the title needs to be proved by leading several documentary and oral evidence which cannot be recorded by this Court while exercising jurisdiction under Article 226 of the Constitution of India, as the facts are complicated.

**12.** Considering what has been held above, the petitioners cannot get any relief in this application filed under Article 226 of the Constitution of India. The petitioners should approach the appropriate Civil Court for declaration of their right, title and interest and once the same is declared and if the said land is under acquisition then only the payment of compensation can be paid to the petitioners.

**13.** This writ petition is **disposed of** with the direction to the petitioners to approach the Civil Court for appropriate relief.

**(ANANDA SEN, J.)**