

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 6048 of 2013**

- 1(a). Deepak Kumar Mahato, S/o Late Ajit Prasad Mahato
1(b). Binay Kumar Mahto, S/o Late Ajit Prasad Mahato
1(c). Vimal Kumar, S/o Late Ajit Prasad Mahato
1(d). Rajesh Kumar Mahto, S/o Late Ajit Prasad Mahato
2. Sachindra Nath Mahato, S/o Late Joginder Nath Mahato,
All residents of Village- Kultar, P.O. & P.S. Pathardih Coal Washery, Distt.
Dhanbad, State- Jharkhand
- ... Petitioners**

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, Department of Revenue, Project Building, P.O.
Dhurwa, P.S. Jagannathpur, Distt. Ranchi, State- Jharkhand
3. The Deputy Commissioner, Dhanbad, P.O., P.S. & District- Dhanbad,
Jharkhand
4. M/s Bharat Coking Coal Limited, having its registered office at Koiyla
Bhawan, Koiyla Nagar, P.O. & P.S. Seraidhela, District- Dhanbad,
Jharkhand through its Chairman
5. The Chairman cum Managing Director of M/s Bharat Coking Coal
Limited, having its registered office at Koiyla Bhawan, Koiyla Nagar,
P.O. & P.S. Seraidhela, District- Dhanbad, Jharkhand

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	: Mr. Mahesh Tewari, Advocate Mr. Shwetang Kumar Tiwari, Advocate
For the Respondent-State	: Mr. Rohitashya Roy, A.G. Mr. Ashwini Bhushan, A.C. to Sr. S.C.-II
For the Respondent-BCCL	: Mr. Ajay Kumar Sah, Advocate

29/21.07.2026 Heard Mr. Mahesh Tewari, learned counsel appearing for the petitioners,
Mr. Rohitashya Roy, learned Advocate General appearing for the respondent-
State and Mr. Ajay Kumar Sah, learned counsel appearing for the respondent-
BCCL.

2. This writ petition has been filed under Article 226 of the Constitution
of India, wherein, following prayers have been made:

A. For an appropriate Writ(s) in the nature of Mandamus, commanding upon the Respondents, particularly Respondent Nos.1, 2 and 3 to send to this Hon'ble Court all records relating to the acquisition of more than 200 acres of agricultural land belonging to the ancestors of these petitioners and other villagers which had been acquired by a Land Acquisition Proceeding in the year 1957;

B. And thereafter compensation of the same, meager in amount without any service benefits and without any R and R Policy have been paid to the ancestors in Mauja:- Parasbania vide L.A. Case No.48 of 1960-61 for acquisition of land at Parasbania for the Pathardih Washery and vide L.A. No.48/1960-61 Mauza:- Chandrabad, within Thana Jharia, District- Dhanbad, Jharkhand;

C. Thereafter for a further direction be made to the respondents to show cause to this Hon'ble Court as to under what authority of the law, have the B.C.C.L. exercised its power of transferring a major portion of the said land in favour of one Private Company running under the name and style of Monet Group Industries (Monet Ispat Power Energy Private Limited) and have entered into a Memorandum of Understanding with the said Monet Group for construction of a Coal Washery without even taking into consideration the fact that if the agricultural lands of the ancestors of these petitioners have been acquired by the Respondent-State for the Pathardih Coal Washery by the then Company, namely, Hindustan Steel Limited, transferred the same to SAIL, subsequently to M/s B.C.C.L. and now can the same be transferred to the Monet Group of Industries against the provisions established by law;

D. And for a further direction upon the Respondents either to return the said land to the petitioners why the legal heirs of their ancestors from whom these lands were acquired and if

the same is not used for the purpose for which it was acquired, the same may be returned to the petitioners under Sections 36 and 48 of the Land Acquisition Act, 1894, in view of the fact that Section 44A of the Land Acquisition Act, 1894 completely bars and de horse the transfer of such lands to any private company and should be restored to the legal heirs of those persons from which it had been acquired for certain specific purpose;

E. And thereafter for a further direction upon the Respondents, particularly Respondent- the State of Jharkhand and its officers and also the B.C.C.L. and its officers to take all actions, in accordance with law to the extent that if these agricultural lands of ancestors of these petitioners have not been used for the purpose for which it was acquired and that under Chapter VII of the Constitution of India and the same is being given to private company, namely, Monet Group, equity requires under Sections 36 and 48 of the Land Acquisition Act, 1894, the same should be returned to its original owners or their legal heirs and successors and also to provide all benefits to these petitioners and legal heirs of service any kind and also to other benefits, that may be entitled to;

F. For passing such other order/orders, Writ/Writs as your Lordship may deem fit and proper for doing conscionable justice to the petitioners in the facts and circumstances of the case.

3. Mr. Mahesh Tewari, learned counsel appearing for the petitioners submits that as far as back in the year 1960-61, the then Hindustan Steel Limited under the Land Acquisition Proceeding acquired approximately 200 acres of agricultural land of the ancestors of these petitioners and villagers for the purpose of construction of the coal washery. He next submits that in

the year 1960-61 by paying a very meager amount as compensation without any service benefits or any other benefit, the agricultural lands which were the only source of livelihood of the ancestors of these petitioners were acquired and since then, no step of any manner of whatsoever has been taken by the Respondent-Hindustan Steel Limited nor the then State of Bihar in rehabilitation of the displaced persons nor any other benefits have been provided. He also submits that the lands of the ancestors of these petitioners were transferred by Hindustan Steel Limited along with the washery to SAIL and subsequently from SAIL to BCCL without following due procedure of law. He further submits that out of these two hundred acres of land for construction of the coal washery, at that time in the year 1960, major portion of the same amounting to more than 75 acres is lying unused, unutilized and vacant even till today.

4. Mr. Mahesh Tewari, learned counsel appearing for the petitioner further elaborates his argument by submitting that the BCCL has entered into a Memorandum of Understanding with a private company running under the name and style of Monet Ispat Power Energy Private Limited and an understanding to that effect that the Monet Industry is being directed and allowed to construct a Power Plant over the said vacant land under the orders of the BCCL and Memorandum of Understanding/Agreement had already been executed by and between BCCL on the one hand and Monet Ispat Power Energy Limited on the other. He then submits that these petitioners are having no documents to produce before this Court. He next submits that these petitioners are coming within the purview of the Chotanagpur Tenancy Act, 1908 and they belong to backward classes. He also submits that under

Sections 49 and 50 of the Chotanagpur Tenancy Act, there is complete bar of transfer of lands of the backward classes to other persons who do not belong to other backward class. He submits that in light of provision under Section 17 of the Land Acquisition Act, 1894, the land has been acquired and that is emergent section and no procedure has been followed in light of Sections 4 and 5 of the Land Acquisition Act, 1894.

5. Mr. Mahesh Tewari, learned counsel appearing for the petitioners next submits that in the counter affidavit of respondent nos. 4 and 5, it has been stated that in Parasbania Mouza, 58.52 acres of land has been acquired and status is shown to be residential and allied works. He also submits that the said statement is completely incorrect in view of the fact that the respondents are now trying to lay down railway line there. He then submits that the report was given by one Sri Chandan Kumar, the In-charge of Railway siding dated 14.11.2016 contained in Annexure-9 in I.A. No.2188 of 2017, whereby, the complaint was made by the said person stating that when he was trying to start ROB work, his men were threatened by the petitioners and others. He submits that in that background, I.A. No.2188 of 2017 was filed for early hearing of the writ petition. He also submits that these petitioners are paying rent to the erstwhile State of Bihar (now State of Jharkhand), which is being accepted by the State. In this background, Mr. Tewari, learned counsel for the petitioners submits that when major chunk of land is vacant and not being utilized, the Government is bound to return back the land to raiyats. He relied upon the judgment passed by the Hon'ble Supreme Court in the case of ***M/s Royal Orchid Hotels Ltd. and another v. G. Jayarama Reddy and others***, reported in ***2011 AIR SCW 6081***. Relying on the above judgment,

he submits that the acquired land cannot be handed over to the private parties.

6. Mr. Tewari, learned counsel appearing for the petitioners further elaborates his argument by way of submitting that the Coordinate Bench of this Court in this petition vide order dated 05.08.2022 has considered that in absence of any award, the ground of delay and laches taken by the State will not come in the way of deciding the */is* on merit. He submits that now the document has been brought by way of filing supplementary counter-affidavit by the State saying that the award is there. According to him, that is not an award. He submits that in absence of any award, the entire proceeding is vitiated. He submits that when there is no award, this writ petition may kindly be allowed.

7. On the other hand, Mr. Rohitashya Roy, learned Advocate General appearing for the State of Jharkhand along with Mr. Ashwini Bhushan opposed the prayers made in the writ petition and submits that the land has been acquired after following due procedure of law. He further submits that the said acquisition was not made under Section 17 of the Act invoking the emergent section, rather due procedure has been followed and notification has been made under Section 4 of the Land Acquisition Act and objections were also invited under Section 5-A of the said Act. To buttress this argument, he refers to notification contained in the writ petition itself at Annexure-1. He next submits that the land acquisition proceeding being L.A. Case No.47/1963-64 and L.A. Case No.48/1960-61 and other L.A. cases have been initiated and after following due procedure of law, the compensation has already been paid to the petitioners and other raiyats. He also submits that

in L.A. Case No.47/1963-64 of Mouza- Chandrabad, the payment of compensation has been received on 08.01.1963 in presence of the witness Panchan Sah by the predecessor in interest of the petitioners namely Jogendra Nath Mahto, Kalachand Mahto, S/o Chirku Mahto vide Award nos. 6 and 8 and Ashu Mahto, S/o Lakhiram Mahto vide Award no.19 and the chart showing the relevant portion of the consolidated compensation voucher are contained in Annexure-A of the supplementary counter affidavit. He then submits that as per the consolidated voucher for payment dated 07.01.1963 relating to L.A. Case No.48/1960-61 of Mouza Parasbania, the payment of compensation has been received on 07.01.1963 in presence of witness Tika Ram Mahato, Mukhiya- Parghabad Gram Panchayat by the predecessor in interest of the petitioner namely Jogendra Nath Mahto, Kalachand Mahto and Ashutosh Mahto vide Award Nos.2(A), 3(A), 4, 5(A), 6(A), 7(A) and 8(A) and the chart showing relevant portion of the consolidated compensation voucher are contained in Annexure-B of the supplementary counter affidavit. He submits that in paragraph 6 of the supplementary counter affidavit dated 29.03.2022, notification, area and village have been disclosed. He further submits that in light of the prayer made in the writ petition itself, it is an admitted position that the compensation has been paid to the petitioners and thereafter the land has been acquired. He then submits that merely on the basis of rent receipt, physical documents do not confer title of land. He relied upon the judgment passed by the Division Bench of this Court in the case of ***Saraswati Devi and another v. State of Jharkhand and others***, reported in ***2025 SCC OnLine Jhar 2972***. He refers paragraph 17 of the said judgment, which reads as under:

"17. *The law is well-settled that Rent receipts are primarily fiscal documents and do not confer title to land. They serve as proof of payment but do not establish ownership or possession rights over the property. This principle is reinforced in catena of judgments, stating that mere issuance of rent receipts cannot create title to the land or prove possession."*

8. Relying on the above judgment, Mr. Rohitashya Roy, learned Advocate General appearing for the State submits that merely because rent receipt has been issued, that cannot be the ground for holding that the petitioners are entitled to the said land when the land in question has been acquired after following due procedure of law.

9. Mr. Rohitashya Roy, learned Advocate General further submits that there is no laches on the part of the State and the land in question is being used for public purpose and for that purpose, it has been acquired and procedure has been followed and admittedly compensation has been paid and in view of that, no illegality is there. He further relied upon the judgment passed by the Constitution Bench of the Hon'ble Supreme Court in the case of ***Indore Development Authority v. Manohar Lal and others***, reported in ***(2020) 8 SCC 129***. He refers paragraphs 366.3 and 366.9 of the said judgment, which read as under:

"366.3. *The word "or" used in Section 24(2) between possession and compensation has to be read as "nor" or as "and". The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.*

366.9. *Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred*

claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition."

10. Relying on the above judgment, Mr. Rohitashya Roy, learned Advocate General submits that the criteria made in the said paragraphs has been fulfilled as the compensation has already been received by the petitioners. He also submits that in light of the observation made in paragraph 366.9 of the said judgment, stale and time-barred claims are not required to be reopened.

11. Mr. Rohitashya Roy, learned Advocate General next submits that the land in question has already been acquired in the year 1961 and the present writ petition has been filed on 24.09.2013. He submits that now supplementary counter affidavit has been filed, wherein, award relating to the said land has been annexed. He submits that in view of that, the contention of the learned counsel for the petitioners that there is no award, that is not tenable. On these grounds, he submits that the present writ petition may kindly be dismissed.

12. Mr. Ajay Kumar Sah, learned counsel appearing for the respondent-BCCL submits that the allegations made by the petitioners that the land is being transferred to a private company, namely, M/s Monet Ispat and Energy Limited are completely false and baseless. He further submits that no interest in any part of the land, in question, is being transferred to the said private company. He then submits that the lands have vested in M/s Bharat Coking Coal Limited by virtue of an acquisition proceeding initiated by the predecessor-in-interest, which is complete in all respect. He next submits that after acquisition of the lands under the Land Acquisition Act, the

representatives have taken their compensation and possession of the lands was taken over and, hence, the respondent-BCCL hold the land in accordance with law and the provisions of Section 24 of the Land Acquisition Act, 2013 is not applicable in the present case. He also submits that the lands in question were acquired by Hindustan Steel Limited vide Land Acquisition Case Nos.56/1960-61, 55/1960-61, 47/1963-64, 49/1960-61, 48/1960-61 and 47/1960-61 and pursuant thereto possession of lands was taken on different dates i.e. 28.03.1961, 12.01.1962, 12.03.1961, 28.03.1961 and 28.03.1961 and the chart showing acquisition of the lands is annexed at Annexure-A of the counter affidavit filed by respondent-BCCL. He further submits that after the lands were transferred in favour of BCCL and a washery in the name of Pathardih Coal Washery was set up. He then submits that the BCCL in its 260th Board's Meeting held on 30.08.2008 at Kolkata had conceptually agreed for setting up for six washery including Pathardih Coal Washery under Build Operate and Maintain (BOM) concept. He submits that only in order to achieve the aforesaid purpose, Notice Inviting Tender was floated and after transparent international competitive bid, M/s Monet Ispat and Energy Ltd. has been selected for building, operating and maintaining Pathardih Coal Washery for which an agreement was entered between the BCCL and M/s Monet Ispat and Energy Ltd. on 17.10.2012, contained in Annexure-B to the counter affidavit filed by the respondent-BCCL. He also submits that in light of this background, there is no question of obtaining permission under Section 49 of the Chotanagpur Tenancy Act. He further submits that so far as transfer of land in favour of the respondent-BCCL is concerned, the same is a result of proceeding under the Land Acquisition Act and, thereafter, by fiction of law

and, hence, Section 49 of the Chotanagpur Tenancy Act has no applicability. He then submits that the documents have been annexed in the counter affidavit filed by the respondent-BCCL, wherein, at page 10, the date of possession of the said land is 28.03.1961 in the prescribed form of Land Acquisition Manual. He submits that notice under Section 4 of the Act was already provided and, thereafter objections were invited under Section 5-A of the Act and, thereafter, award has been passed and compensation has been paid. He next submits that invoking emergent section i.e. Section 17 of the Land Acquisition Act, 1894, the lands have not been acquired rather after following due procedure of law, the lands have been acquired. He also submits that Rehabilitation Policy in Coal India Limited has been invoked in the year 1994, whereas, the lands in question have been acquired in the year 1961 and at that time, rehabilitation policy of Coal India Limited was not there. He relied upon the judgment passed in the case of ***Indore Development Authority (supra)*** on which learned Advocate General has also relied. He also submits that the petitioners have admitted in the writ petition that compensation has been received. On these grounds, he submits that this writ petition may kindly be dismissed.

13. Mr. Mahesh Tewari, learned counsel for the petitioners in reply submits that in fact the award annexed in the supplementary counter affidavit is not a valid award. He submits that if the said land is vacant, the petitioners are entitled to receive back the land and in view of that, this writ petition may kindly be allowed.

14. In view of the above submissions of the learned counsel for the parties, the Court has gone through the materials on record including the annexures

as well as the counter affidavit and finds that in the writ petition itself, the petitioners have admitted that the land in question was acquired in the year 1960-61. It is also admitted in the writ petition that the compensation has been received, however, statements are there that it was meager compensation. In the writ petition, notification has been annexed at Annexure-1. At back side of Annexure-1 i.e. at page 36, the format is there that Section 17(4) which is emergent section of Land Acquisition Act, 1894 and that has been struck down. In the first page of Annexure-1, it has been stated that objection under Section 5-A has been called for. The notification dated 29.08.1962 under Section 4 is also there at page 39 of the writ petition and objection has been further called under Section 5-A by way of the said notification itself, contained at page 39 of the writ petition. Thus, it is crystal clear that the land was not acquired invoking emergent section i.e. Section 17 of the Land Acquisition Act, 1894 and after following due procedure of law, the said acquisition has been made and that is the admitted position.

15. In the rejoinder dated 29.08.2017 filed by the petitioners to the counter affidavit of respondent-BCCL, it has been further admitted in paragraph 14 thereof that it is true that the compensation has been taken, but possession thereof was never taken by either the Eastern Railway or by BCCL or by Hindustan Steel Limited. In view of that, it is further admitted that the compensation has been received by the petitioners.

16. In the counter affidavit of the respondent-BCCL, the details of land acquired for Patherdih washery has been brought on record at Annexure-A, wherein, the case number, area acquired, date of notification, date of declaration, date of possession, present status and remarks are noted, which

are quoted herein below:

Details of land acquired for Patherdih washery.

Name of the Mouza	L.A Case No.	Area acquired (in acres)	Date of Notification	Date of Declaration	Date of Possession	Present status	Remarks
Chandrabad	50/60-61	112.93	17.12.1960	19.12.1960	28.03.1961	Used as Old & New Washery and allied works.	Final report enclosed.
Chandrabad	55/60-61	32.64	17.12.1960	15.03.1961	12.01.1962	Used as Old & New Washery and allied works.	Final report enclosed.
Chandrabad	47/63-64	24.63	29.08.1962	27.12.1962	Not available searching going on.	Used for residential, Railway siding and allied works.	Final report not available.
Parghabad	49/60-61	23.07	17.12.1960	19.12.1960	28.03.1961	Used as Old & New Washery, Railway siding and allied works.	Final report not available. DOP as mentioned written on the plan.
Parghabad	Not available searching going on.	3.86	17.12.1960	Not available searching going on.	Not available searching going on.	Used as old Washery, Railway siding and allied works.	Already acquired as written on the plan of L.A. CaseNo.49/60-61
Parasbania	48/60-61	58.52	16.12.1960	19.12.1960	28.03.1961	Used for residential and allied works.	Final report enclosed.
Bhatdih	47/60-61	60.16	16.12.1960	16.12.1960	28.03.1961	Used for residential, Railway siding and allied works.	Final report enclosed.
Total		315.81					

17. Thus, these are admitted facts in the present case in light of the documents brought on record either in the writ petition or in the counter affidavit of the respondent-State or in the counter affidavit of the respondent-BCCL.

18. The contention has been made on behalf of the learned counsel for the petitioners that the Coordinate Bench of this Court vide order dated 05.08.2022 has observed that in absence of award, the question of inordinate delay raised by the State in maintaining the writ petition will not come in the way in adjudication of the *//s* on merit, however, now in light of the

supplementary counter-affidavit dated 15.07.2026, the award has been annexed. Thus, it is crystal clear that the award has been passed and, thereafter, compensation has been paid. Thus, the contention of the learned counsel for the petitioners that there is no award, is not being accepted by this Court.

19. It is further an admitted position that the compensation has been received by the petitioners, which has been admitted in the writ petition as well as in the rejoinder of the petitioners to the counter affidavit of the respondent-BCCL. However, in reply it has been argued that the document brought on record in the supplementary counter affidavit is not a valid award. Even if it is not a valid award, the said award is not under challenge in the present writ petition and that supplementary counter affidavit was already served upon the learned counsel for the petitioners on 15.07.2026 and on that day, time was taken to examine the same, however, the petitioners have chosen not to challenge the said award by way of filing any amendment petition.

20. The argument has been made on behalf of the petitioners that the land has been acquired under Section 17(4) of the Land Acquisition Act and in absence of award, the land has been acquired, that is also not tenable in light of the judgment passed by the Hon'ble Supreme Court in the case of ***Satendra Prasad Jain and others v. State of U.P. and others***, reported in ***(1993) 4 SCC 369***, wherein, at paragraphs 14 and 15, it has been held as under:

"14. There are two judgments of this Court which we must note. In Rajasthan Housing Board v. Shri Kishan [(1993) 2 SCC 84] it was held that Government could not withdraw from acquisition under Section 48 once it had taken possession of

the land. In Lt. Governor of H.P. v. Avinash Sharma [(1970) 2 SCC 149 : (1971) 1 SCR 413] it was held that : (SCC p. 152, para 8)

"... after possession has been taken pursuant to a notification under Section 17(1) the land is vested in the Government, and the notification cannot be cancelled under Section 21 of the General Clauses Act, nor can the notification be withdrawn in exercise of the powers under Section 48 of the Land Acquisition Act. Any other view would enable the State Government to circumvent the specific provision by relying upon a general power. When possession of the land is taken under Section 17(1), the land vests in the Government. There is no provision by which land statutorily vested in the Government reverts to the original owner by mere cancellation of the notification."

15. *Ordinarily, the Government can take possession of the land proposed to be acquired only after an award of compensation in respect thereof has been made under Section 11. Upon the taking of possession the land vests in the Government, that is to say, the owner of the land loses to the Government the title to it. This is what Section 16 states. The provisions of Section 11-A are intended to benefit the landowner and ensure that the award is made within a period of two years from the date of the Section 6 declaration. In the ordinary case, therefore, when Government fails to make an award within two years of the declaration under Section 6, the land has still not vested in the Government and its title remains with the owner, the acquisition proceedings are still pending and, by virtue of the provisions of Section 11-A, lapse. When Section 17(1) is applied by reason of urgency, Government takes possession of the land prior to the making of the award under Section 11 and thereupon the owner is divested of the title to the land which is vested in the Government. Section 17(1) states so in unmistakable terms. Clearly, Section 11-A can have no application to cases of acquisitions under Section 17 because the lands have already vested in the Government and there is no provision in the said Act by which land statutorily vested in the Government can revert to the owner."*

21. Thus, the argument of the learned counsel for the petitioners with regard to Section 17 of the Land Acquisition Act is also not tenable to that effect, however, the fact remains that the land was not acquired invoking Section 17(4) of the Land Acquisition Act. It was acquired after following due process under Sections 4 and 5-A of the Land Acquisition Act and the award was passed and the compensation has also been paid. In view of that, the

stand of the petitioners with regard to award is also not tenable.

22. So far as rent receipt is concerned, the Court finds force in the submission of the learned Advocate General that merely issuance of rent receipt is not a ground to declare right, title and interest and that has been held by the Division Bench of this Court in the case of ***Saraswati Devi (supra)***, on which, reliance has been placed by the learned Advocate General.

23. Admittedly, compensation has been paid and in light of paragraphs 366.3 and 366.9 of the judgment passed in the case of ***Indore Development Authority (supra)***, there is no illegality as the compensation has already been paid, which is an admitted position.

24. It has been held by the Hon'ble Supreme Court in the case of ***State of Kerala and others v. M. Bhaskaran Pillai and another***, reported in ***(1997) 5 SCC 432*** that it is settled law that if the land is acquired for a public purpose, after the public purpose was achieved, the rest of the land could be used for any other public purpose. In case, there is no other public purpose for which the land is needed, then instead of disposal by way of sale to the erstwhile owner, the land should be put to public auction and the amount fetched in the public auction can be better utilized for the public purpose envisaged in the Directive Principles of the Constitution.

25. Admittedly, the land has not been transferred to M/s Monet Ispat and Energy Limited and only contract was given to M/s Monet Ispat and Energy Limited from M/s BCCL for building, operating and maintaining Pathardih Coal Washery and it is fortified in light of the agreement, contained in Annexure-B at page 24 of the counter affidavit filed by the respondent-BCCL.

26. In view of these documents, the judgment relied by Mr. Mahesh Tewari in the case of ***M/s Royal Orchid Hotels Ltd. (supra)*** is not coming in the way as the land has not been transferred in favour of any private company. The SAIL and BCCL are Public Sector Undertakings of the Government of India.

27. The Chotanagpur Tenancy Act, 1908 is only for the protection of rights of the people of Chotanagpur and thus, the Deputy Commissioner under Section 46 of the Chotanagpur Tenancy Act is held responsible for any such transaction, so that he can protect the right of the citizen of the Chotanagpur area. Once land is acquired by the State, which is the welfare State. The Chotanagpur Tenancy Act, in a case arising out of the Land Acquisition Act, is not coming in the way that too when provisions are made of paying compensation under Section 71-A of the Chotanagpur Tenancy Act.

28. In view of the above facts, reasons and analysis and considering that the land has been acquired in the year 1961 after following due procedure of law and the writ petition has been filed on 24.09.2013 and for the reasons as discussed herein above, the Court finds that no case of interference is made out.

29. Accordingly, this writ petition is, hereby, dismissed.

30. Pending I.A., if any, is disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 21st July, 2026
*Ajay/ **A.F.R.***

Uploaded on
23rd July, 2026