

Birendra Narayan and anr. Vs. State of Jharkhand and ors.

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SooperKanoon Citation : sooperkanoon.com/515926

Court : Jharkhand

Decided On : Jan-11-2007

Reported in : [2007(2)JCR76(Jhr)]

Judge : R.K. Merathia, J.

Appellant : Birendra Narayan and anr.

Respondent : State of Jharkhand and ors.

Judgement :

ORDER

R.K. Merathia, J.

1. As prayed Mr. Rajiv Sharma is permitted to delete the name of respondent No. 5.
2. The petitioners have jointly filed this writ petition challenging the cancellation of their settlements with regard to two ponds for the period 1.4.2003 to 31.3.2006. The petitioners' case is that on 15.7.2004 the said settlement was cancelled without any opportunity to show cause. It is further submitted that the petitioners have suffered huge loss due to such arbitrary action of the respondents.
3. Learned Counsel for the State submitted that after settlement was made, a representation was received from the respondent Nos 6 and 7, who belong to

Scheduled Tribe Community, for settling the said ponds in their favour and on such representation a committee took a decision to settle the same with respondent Nos. 6 and 7 after cancelling the settlement made in favour of the petitioners. Accordingly, the settlements were cancelled and the said ponds were settled in favour of respondent Nos. 5 and 6, till 31.3.2007.

4. Admittedly the settlement was made in favour of the petitioners. Before cancelling the same they were not given any opportunity to show cause. In the circumstances, it has to be held that the said action of cancellation of settlements made in favour of the petitioners was arbitrary.

5. However, as the period of said settlement expired on 31.3.2006, the only order which can be passed in this writ petition now is, for compensating the petitioners.

6. In the facts and circumstances of the case and in order to put an end to this litigation, I direct the respondents that the deposits made by the petitioners against the settlement should be returned to them along with a lump sum compensation of Rs. 15,000/- each within four weeks from the date of receipt/production of a copy of this order.

With these observations and directions, this writ petition is disposed of.