

(2002) 09 JH CK 0020

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4974 of 2002

Aditya Kumar Jaiswal @ Aditya Prasad

APPELLANT

Vs

Ranchi Municipal Corporation and Others

RESPONDENT

Date of Decision : 16-09-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 09 JH CK 0020

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Ritu Kumar, for the Appellant; M.M. Banerjee, A.K. Das and P.K. Prasad, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The writ petition has been preferred by petitioner, he having been issued a Notice No. 1371, dated 28th August, 2002 for removal of encroachment from the Kali Mandir Road, Verdwan Compound, Ranchi.

2. According to the petitioner he has not made any encroachment. Rather respondent No. 3 has opened a drain and window over the road.

3. The counsel for the Ranchi Municipal Corporation submits that the petitioner has installed a gate at the entrance of the municipal road.

4. In the present case, as there appears to be disputed claim and counter claim, in the interest of justice, I direct the Ranchi Municipal Corporation to take a fresh measurement of the land of petitioner and the 3rd respondent to find out whether any of them has encroached the road or opened drain or window on the municipal road or not. The Municipal Corporation will send its Amin and one of its officers on 21st September or 22nd September, 2002 in between 10 a.m. to 12 noon. The petitioner and the 3rd respondent or their representative may remain present. The Amin will measure the road and submit report of which the copy be supplied to the petitioner and the 3rd respondent.

5. If any, construction of gate is found to have been made on the municipal road

or any window has been fixed which opens encroaching the road or if any drain has been opened on the road, such party will remove the encroachment/gate and/or close the drain/window as may be reported within fifteen days from the date of receipt of report.

6. The writ petition stands disposed of with aforesaid observations and directions.

7. Let a copy of this order be handed over to Mr. P.K. Prasad, the counsel for the Municipal Corporation.