
(2012) 07 JH CK 0010

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5667 of 2010

Andeshanand Jha

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 26-07-2012

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2013) 3 AJR 116 : (2012) 4 JCR 661

Hon'ble Judges : P.P. Bhatt, J

Bench : Single Bench

Advocate : Sanjeev Thakur, for the Appellant; Srijit Choudhary, G.A., for the State, for the Respondent

Judgement

P.P. Bhatt, J.—The present petition is filed under Article 227 of the Constitution of India, inter alia, praying for issuance of an appropriate writ/order/direction directing the respondents to comply the order passed by the. learned Sub-Divisional Officer. Deoghar in R.I. Case No. 103 of 2005-06 on 2.12.2006 and also the order dated 25.4.2008. passed by the Deputy Commissioner, Deoghar in R.M.A. Case No. 24 of 2007 in its true letter and spirit, whereby direction has been given to the respondent No. 4 to give possession to this petitioner by complying the order of ejection over a piece of land of 26 acre, Plot No. 128 of jamabandi No. 1, Mauza Ranga,. Thana No. 417, situated in Deoghar town. Heard the learned counsel for the petitioner and the learned counsel for the respondent-State.

2. Perused the materials produced on record.

3. On perusal of the same and more particularly on perusal of Annexure-2, it appears that being aggrieved and dissatisfied with the order dated 2.12.2006. passed by the Sub-Divisional Officer, Deoghar in R.E. Case No. 103 of 2005-06 in favour of the present petitioner u/s 20 of. the Santhal Parganas Tenancy Act, the other" side preferred R.M.A. Case No. 24 of 2007 before the Deputy Commissioner, Deoghar and the appellate authority vide its order dated

24.4.2008, rejected the said appeal and thereby confirmed the order passed by the Sub-Divisional Officer, Deoghar. It appears that thereafter, the present petitioner moved before the Deputy Commissioner, Deoghar for taking further appropriate steps in respect of the order passed in his favour. On perusal of Annexure-6, it also appears that the Sub-Divisional Officer has also issued necessary orders in this regard on 8.7.2010. It further appears that the Sub-Divisional Officer has also addressed one letter dated 4.10.2010 to the Circle Officer for taking further appropriate steps in respect of the orders passed in favour of the petitioner.

4. The respondents-State authorities has filed counter-affidavit, inter alia, stating the respondent-authorities are supposed to act in accordance with law and thereby comply the orders passed by the Court below as well as the respondents-authorities in quasi-judicial proceedings. However, it is submitted that since the private respondents are involved in the matter, the present petitioner is required to file appropriate execution proceedings before the executing authorities and therefore, the present writ petition may be dismissed and the present petitioner may be directed to approach the appropriate authority for execution of the orders passed in his favour. It is further submitted that before execution of the orders passed in favour of the petitioner, the private respondents are also required to be heard by affording them reasonable opportunity in the case.

5. Having regard to the aforesaid facts and circumstances of the case, this Court is of the view that the matter is required to be disposed of by giving appropriate direction to the concerned authority i.e. the respondent No. 4 to take further appropriate steps in accordance with law for compliance of the order passed in favour of the present petitioner i.e. the order dated 2.12.2006 as well as the order dated 25.4.2008 passed in RE. Case No. 103 of 2005-06 and R.M.A. Case No. 24 of 2007 respectively. Accordingly, the Circle Officer, Deoghar (respondent No. 4) is directed to take further appropriate steps in accordance with law for compliance of the orders. passed in favour of the present petitioner i.e. the order dated 2.12.2006 as well as the order dated 25.4.2008, passed in R.E. Case No. 103 of 2005-06 and R.M.A. Case No. 24 of 2007 respectively. It is further clarified that the respondent No. 4 shall follow the requisite procedure, if any, and issue show cause notice to the private respondents and thereafter, shall take further appropriate steps for compliance of the above mentioned orders in accordance with law. With the aforesaid observations and direction, this writ petition stands disposed of.