

(2025) 06 JH CK 0919
In the Jharkhand High Court
Case No : W.P. (C) Filing No. 6252 Of 2025

Arif Ahmed Ansari

APPELLANT

Vs

State Of Jharkhand through the Deputy Commissioner

RESPONDENT

Date of Decision : 16-06-2025

Acts Referred:

Chota Nagpur Tenancy Act, 1908 — Section 71

Citation : (2025) 06 JH CK 0919

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Ayush Aditya, Manish Kumar, Mohan Kumar Dubey

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

1. Learned counsel on behalf of the petitioner undertakes to remove the surviving defects during the course of day.
2. The instant writ petition has been filed under Article 226 of the Constitution of India for quashing the notice as contained in Memo No. 658(ii) dated 26.05.2025 (Annexure-3) served to the petitioner on 13.06.2025 to vacate the land in question on or before 17.06.2025.
3. It is submitted by learned counsel appearing on behalf of the petitioner that order dated 17.03.2025 was passed in SAR Case No. 06/2023-24 under Section 71A of the Chhotanagpur Tenancy Act (for short CNT Act) for restoration of the land in favour of respondent no. 5.
4. The petitioner preferred SAR Appeal No. 45R15/2025-26 against the order of restoration within time.
5. It is submitted by learned counsel appearing on behalf of the petitioner that during pendency of the appeal, in which the next date of hearing is fixed on 22nd July, 2025, the impugned order has been passed for dispossessing the petitioner

from the land in question. Normally the Petitioner would have moved the appellate court for stay of eviction notice, but as the order of eviction has been passed before the next date of hearing of appeal, therefore he had no option, but to move this court.

6. Learned counsel appearing on behalf of the State submits that filing of appeal does not operate as a stay of the order impugned.

7. From the submissions advanced, it is apparent that the impugned order on the basis of which notice for eviction has been issued, is under challenge in appeal and during the pendency of appeal, the order has been passed by the Special Officer, SAR Court, Ranchi which is not sustainable and is accordingly, set aside.

8. Considering the submissions made, the order impugned (Annexure-3) is set aside. The Deputy Commissioner, Ranchi (respondent no. 2) is directed to dispose of the appeal preferred by the Petitioner being SAR Appeal No.45R/2025-26 within eight weeks from the date of receipt/production of a copy of this order. The petitioner shall appear before the Court of Deputy Commissioner, Ranchi for hearing of appeal on the date fixed and co-operate in the hearing. In the event of non-appearance of the Petitioner, the learned Court to proceed ex parte.

With the aforesaid direction, this writ petition stands disposed of.

Let a copy of this order be communicated to respondent no. 2 forthwith.