

(2010) 03 JH CK 0016
In the Jharkhand High Court

Bacha Lal Bhagat

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-03-2010

Acts Referred:

Citation : (2010) 03 JH CK 0016

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

Ramesh Kumar Merathia, J.—On 4.2.2010, the following order was passed:

Mr. A.K. Das, appearing for the petitioner submitted that petitioner was found eligible for settlement of four kathas of particular piece of land. It is said in the counter affidavit that 22.27 acres of land have been given to the decree holder pursuant to decree passed in civil suit. It is further submitted that even there was about four acres of land available to the State government. He further submitted that petitioner has got no choice for particular land and therefore, he should be settled any other land anywhere.

Counsel for the State is directed to seek instruction on this submission. As prayed by him, put up this case after two weeks under the heading "For Orders" for disposal, if possible.

Let a copy of this order be handed over to the counsel for the State Government.

2. On 24.2.2010 no body appeared for the State-respondents. Accordingly, the case was adjourned for 10th March, 2010 and it was made clear that if no body appears on behalf of the State on the next date, ex parte order will be passed.

3. Counsel for the State submitted that inspite of communication, he has not received any instructions from the respondents.

4. Mr. Das submitted that the petitioner was found eligible for settlement of four kathas of land. Accordingly, a piece of land was earmarked, but it was given to

the decree holder pursuant to the decree passed in a civil suit. He further submitted that even then about four acres of land was available to the State Government out of 22.27 acres after handing over land to the decree holder, but the petitioner has got no choice for a particular piece of land and, therefore, he should be settled any other land any where.

5. In this situation, I am left with no option than to give liberty to the petitioner to make a fresh representation before the Deputy Commissioner, East Singhbhum, Jamshedpur (respondent No. 3) who will look into the matter. If he finds that the petitioner is eligible for settlement of land, he will pass necessary order in that regard. If he finds that the petitioner is not eligible for settlement of land, reasons thereof should be communicated to him. This exercise should be completed within six weeks from the date of receipt of such representation. It is made clear that this Court has not gone into the merits of the case of the petitioner.

6. With these observations and directions, this writ petition is disposed of. However, no costs.