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**(2021) 01 JH CK 0095**  
**In the Jharkhand High Court**  
**Case No : Writ Petition(C) No. 2211 Of 2013**

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| Bali Ram Prasad                    | Vs | APPELLANT  |
| Damodar Valley Corporation And Ors |    | RESPONDENT |

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**Date of Decision :** 08-01-2021

**Acts Referred:**

Public Premises (Eviction Of Unauthorised Occupants) Act, 1971 — Section 4  
Constitution Of India, 1950 — Article 226

**Citation :** (2021) 01 JH CK 0095

**Hon'ble Judges :** Sujit Narayan Prasad, J

**Bench :** Single Bench

**Advocate :** Vandana Singh

**Final Decision :** Disposed Of

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## Judgement

The matter has been heard through video conferencing with the consent of the learned counsel for the parties.

Heard learned counsel for the petitioner.

None appears for the respondent- Damodar Valley Corporation. The writ petition is under Article 226 of the Constitution of India for quashing and

setting aside the notice dated 04.07.2012 and 20.07.2012 issued by the Estate Officer, Damodar Valley Corporation, respondent no.3, whereby and

whereunder the writ petitioner has been noticed to remove the house as the same is an unauthorized occupation.

Learned counsel for the petitioner submits that reply to the aforesaid notice has been furnished before the Estate Officer but in the meantime, the

instant writ petition was also filed.

This Court, after taking into consideration the aforesaid factual aspect of the matter, is of the view that if a show cause notice has been issued by the

Estate Officer in exercise of power conferred under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, there cannot be interference by the writ Court under Article 226 of the Constitution of India, unless the notice is questioned on ground of jurisdiction but no such ground is available in the writ petition.

Considering the aforesaid aspect of the matter, this Court is of the view that, at this stage, it will not be appropriate to exercise jurisdiction conferred to this Court in interfering with the show cause notice, that too when reply to the aforesaid notice has already been filed by the writ petitioner.

In that view of the matter, this Court deem it fit and proper to dispose of the writ petition, granting liberty to the petitioner to pursue the matter before the Estate Officer, if the issue has not been decided. But, in case the issue, if decided, it will be open for the petitioner to approach before the appellate authority for assailing the decision, if taken by the Estate Officer.

With this observation, the writ petition stands disposed of. Interim order dated 02.12.2013 stands vacated.