
(2008) 04 JH CK 0043
In the Jharkhand High Court

Basudeo Rai and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-04-2008

Acts Referred:

Citation : (2008) 3 JCR 98

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

Bench : Single Bench

Judgement

R.K. Merathia, J.—Heard the parties finally.

2. Petitioners have challenged the order dated 28.11.2006 passed by the Commissioner, Santhal Pargana Division, Dumka in Rev. Misc. Revision No. 18 of 2006-2007.

It is submitted by Mr. Shivnath, appearing for the petitioners, that the Amin's report said to be containing the list of Plots marked as Mark A and Mark B along with map was produced on behalf of the respondents 5 to 17 only before the Commissioner. He further submitted that actually on 14.11.2006. the case was fixed for hearing on stay matter but it was heard on merits and therefore petitioners were not given chance to reply to the said document.

3. Mr. Deo, appearing for the respondents 5 to 17, supported the impugned order.

4. It appears that on 14.11.2006, while hearing stay matter petitioners prayed for time but on insistence they participated in the hearing.

5. In the circumstances, I am inclined to remit the matter back to the Commissioner, Santhal Pargana Division, Dumka. The parties are directed to appear before the Commissioner on 11th April, 2008 at 11 a.m. when the Commissioner will fix the date for hearing. After hearing the parties, on the materials available on record, he will disposed off the revision by a fresh order, as early as possible and preferably within six weeks from the date of such appearance of the parties. The parties are directed to cooperate in early disposal

of the case, failing which the Commissioner will be at liberty to proceed ex-parte.

6. It is made clear that this Court has e into the merits of the respective cases of parties. With these observations and directions, this writ petition is disposed of.