
(2012) 02 JH CK 0092
In the Jharkhand High Court
Case No : L.P.A. No. 131 of 2011

Chandan Kumar

APPELLANT

Vs

Bokaro Steel Plant

RESPONDENT

Date of Decision : 15-02-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 3 JCR 275 : (2012) 2 JLJR 374

Hon'ble Judges : Prakash Tatia, J; Aparesh Kumar Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard Learned Counsel for the parties. The petitioner was subjected to eviction proceeding under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 wherein order of petitioner's eviction was passed. The petitioner's appeal against the said eviction order dated 25.02.2010 was dismissed by the appellate court after holding that appeal was not maintainable. The petitioner then approached this Court by filing W.P.(C) No. 548 of 2011 wherein the learned Single Judge held that the petitioner failed to show under what right and authority he occupied the land in question.

2. Learned Counsel for the appellant submitted that in fact a general notice was issued and was published in the newspaper and was also affixed on the wall of the hut of the appellant. Thereafter, the appellant put in appearance and submitted the objection before the Estate Officer but since it was a notice issued to general public, therefore, service has not been effected personally upon the writ petitioner/appellant.

3. It is submitted that order impugned is a brief order without assigning any reason, therefore, it is a non-speaking order. However, it is admitted case of the writ petitioner that he is not an employee of the company and he has no documentary evidence evidencing that in discharge of his service for the

employees, this land was allotted to him for which it has been argued by Learned Counsel for the appellant that under the provisions of Industrial Disputes Act, 1947, he could have been given land but so is not correct in view of the admitted fact the appellant was not even workman in the respondent unit.

4. The petitioner also submitted complaint to the National Commission of Schedule Caste and Schedule Tribe, copy of which is placed on record as Annexure-1, and the forwarding of such complaint by the said Commission to the respondent is also absolutely irrelevant in view of the fact that it has no connection with the land in question for which relief has been sought.

5. Since the petitioner failed to establish his legal right so as to invoke any equitable relief under extra ordinary jurisdiction of the High Court under Article 226 of the Constitution of India, therefore, the learned Single Judge was right in dismissing the writ petition of the petitioner and we are not inclined to interfere in the impugned order passed by the learned Single Judge. Hence, the L.P.A. is dismissed.