

(2001) 01 JH CK 0045
In the Jharkhand High Court
Case No : CWJC No. 822 of 1993 (R)

Dhrubalal Bose and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 10-01-2001

Acts Referred:

Bihar Scheduled Areas Regulations, 1969 — Regulation 2
Chotanagpur Tenancy Act, 1908 — Section 46

Citation : (2001) 01 JH CK 0045

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Tapen Sen, for the Appellant; A.K. Sahani, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The writ petition was originally preferred by petitioners for issuance of writ of prohibition on the respondents from dispossessing the petitioners from their lawful property situated on Plot No. 35. Khata No. 85 in Lower Burdwan Compound, Lalpur, Ranchi. The main plea taken that the authorities took step for dispossession of the petitioners in pursuance of S.A.R. No. 49/1984-85. Shyama Oraon @ Tota Oraon v. Kalidas Base. One of the plea was taken that the petitioner was not party to SAR case No. 49/1984-85 but merely proforma respondent No. 6, Kali Das Bose was impleaded as party to the said case. The applicant, Shyama Oraon @ Tota Oraon was also impleaded as respondent No. 3 to the present writ petition.

2. It appears that certain orders were passed on 22.9.1990 in SAR No. 49/1984-85 by the Special Officer under the Scheduled Area Regulation of 1969. Against the said order, one Smt. Kamla Devi & others moved before the Ranchi Bench of the Patna High Court in CWJC No. 747/93 (R). A Bench of the Patna High Court vide its judgment dated 9.1.1998 while held that no person can be deprived of his property except in accordance with the principles of natural justice and law, set aside the order dated 22.9.1990 passed in SAR No. 49/84-85. The case was remitted to the officer to decide afresh after impleading

the petitioners of the said case and giving opportunity to them.

3. It is not in dispute that the present petitioners are similarly situated like Smt. Kamla Devi and Ors. having not made opposite parties in SAR No. 49/1984-85. It was in the aforesaid background, this Court intended to remit the matter to the officer concerned. However, the counsel for the petitioners brought to the notice of the Court a photo copy of certified copy of order dated 30.6.1998 passed in SAR No. 49/1984-85 whereby and whereunder the Court below taking into consideration a note given by the Deputy Collector on 28.1.1985, observed that the provision of CNT Act do not lie on chhaparbandi land. Taking into consideration the facts and evidence of the said case, the SAR No. 49/1984-85 was dismissed against the O.Ps. of the said case and closed.

4. In view of subsequent development, SAR No. 49/1984-85 having already dismissed, the present writ petition has become infructuous. No specific order is required to be passed. However, if the 3rd respondent. Smt. Shyama Oraon prefers any appeal against the order dated 30.6.1998 passed in SAR No. 49/1984-85. she will implead the petitioners as O.Ps. respondents in the said appeal, if wants any relief against them.

5. The writ petition stands disposed of, with the aforesaid observations.

However, in the facts and circumstances, there shall be no order, as to costs.

6. Writ petition disposed of.