
(2017) 05 JH CK 0038
In the Jharkhand High Court
Case No : 2853 of 2017

Dr. Abdul Quayum Khan & Ors.

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 25-05-2017

Acts Referred:

Citation : (2017) 05 JH CK 0038

Hon'ble Judges : Dr. S.N.Pathak

Bench : SINGLE BENCH

Advocate : Prashant Pallav, Mrinal Kanti Roy

Judgement

1. Learned Counsel for the petitioner is directed to implead Market Secretary, Agricultural Produce Market Committee, Jamshedpur, Dist. East Singhbhum as respondent No.4.
2. Defect No.6, as pointed out vide S.R. Dated 24.05.2017, is ignored.
3. Rest of the defects are directed to be removed in course of the day.
4. The petitioners have approached this Court for suitable direction not to throw them away from the premises of the Parsudih Agricultural Marketing Yard, Jamshedpur from where they are running their business on making payment of marketing fee/rent to respondent No.4.
5. The petitioners are afraid that on ground of encroachment they will be thrown out from the said premises without giving an opportunity of hearing and without giving any opportunity to place their case.
6. Mr. Mrinal Kanti Roy, learned Counsel appearing on behalf of the Marketing Board and Marketing Committee vehemently opposes the prayer of the petitioners and submits that the writ petition itself is not maintainable as the Organization is not a registered Organization.
7. Be that as it may, as the livelihoods of the vendors are at stake, this Court is

bound to interfere. The respondents are directed to seek instructions and to produce policy decision, if any, the scheme and rules by way of counter-affidavit and in the meantime vegetable vendors will not be thrown out from the premises. If any encroachment has been done or any illegality has been committed by the vendors that will be looked into in accordance with law.

8. Let this case be listed on 4th July, 2017.