
(2015) 11 JH CK 0022
In the Jharkhand High Court
Case No : W.P. (C) No. 312 of 2014

Navin Kumar Sinha

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-11-2015

Acts Referred:

Citation : (2015) 11 JH CK 0022

Hon'ble Judges : S. Chandrashekhar, J.

Bench : Single Bench

Advocate : Vineet Prakash, J.C. to S.C. (LandC), for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.—Seeking a direction to the respondents for payment of compensation to the petitioner, the present writ petition has been filed.

2. The petitioner claims ownership over the land comprised in khata No. 29, plot No. 641 under Thana-Itkhori admeasuring about 0.09 acres. It is asserted that the said land was mutated in the name of grandfather of the petitioner and rent was deposited upto 2011-12. Subsequently, the petitioner came to know that the said land has been used for the Police Station, Itkhori and the respondents have constructed a boundary wall around the land belonging to the petitioner.

3. A counter-affidavit has been filed on behalf of the respondents stating that the land comprised in khata No. 29, plot No. 641 under Thana-Itkhori has not been acquired by the respondents. The land in question remained under the possession and control of Primary Health Centre, Itkhori before establishment of Hospital at Itkhori. It is pleaded that the petitioner never remained in possession over the land in question. An enquiry was conducted and the enquiry report discloses that the petitioner was never in physical possession over the land in question.

4. Considering the dispute raised by the respondents, I am of the opinion that

the present writ petition involves a question of title of the petitioner over the aforesaid land. The said issue cannot be adjudicated in the present proceeding and accordingly, the writ petition is held not maintainable. The writ petition stands dismissed however, the petitioner may approach the civil court for getting his rights adjudicated.