

(2021) 03 JH CK 0147
In the Jharkhand High Court
Case No : Writ Petition(C) No. 4051 Of 2020

Palu Manjhi

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Citation : (2021) 03 JH CK 0147

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : Abhishek Kumar Dubey, Ashwini Bhushan

Final Decision : Disposed Of

Judgement

1. The present case is taken up today through Video conferencing.
2. The present writ petition has been filed for calling upon the respondents as to under what authority they are trying to dispossess the petitioner from the land appertaining to plot no. 02, khata no. 92, Mouza- Khairbani, Rajnagar, District- Seraikella-Kharsawan measuring an area of 2.17 acres (hereinafter to be referred as "the said land") despite the fact that the same was settled in favour of the petitioner in the year 1996 by way of Settlement Case No. 66 of 1995-96.
3. Learned counsel for the petitioner submits that the said land was settled in favour of the petitioner by the Circle Officer, Rajnagar (the respondent no. 3) in the year 1996 by way of Settlement Case No. 66 of 1995-96 and since the date of the settlement, the petitioner has been in peaceful possession of the said land by constructing a house over the same. A notice was issued by the respondent no. 3 to the petitioner and three others on 04.09.2020 alleging that they have encroached the government land and were directed to appear before the said authority along with relevant documents on 08.09.2020. The petitioner thereafter appeared before the respondent no. 3 and filed his show cause. However, no further order was passed by the respondent no. 3 in this regard. It is further submitted that the local revenue officials are making demarcation of

land for the purpose of construction of "Eklavya Model Awasiya Vidyalaya" where the location of the land of petitioner and few others have been shown to be shifted at some other place. The apprehension of the petitioner is that despite lawful settlement of the said land, he may be dispossessed from the same due to construction of the said school building by the district administration.

4. Mr. Ashwini Bhushan, learned A.C. to Sr. S.C.-III appearing on behalf of the respondents, submits that since the issue raised by the petitioner in the present writ petition requires to be factually examined by a competent authority, if the petitioner prefers a fresh representation on the present issue before the respondent no. 2- The Deputy Commissioner, Seraikella- Kharsawan, an appropriate decision in accordance with law will be taken.

5. Having heard the learned counsel for the parties and keeping in view the nature of the prayer made by the petitioner in the present writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation before the respondent no. 2 on the present issue within two weeks from the date of this order. On receipt of the said representation, the respondent no. 2, after providing due opportunity of hearing to the petitioner and on making inquiry (if so required), shall take an appropriate decision as soon as possible, preferably within a period of one month from the date of filing of the said representation. Till the said decision is taken by the respondent no. 2, no coercive step shall be taken against the petitioner with respect to his eviction from the land in question.

6. The writ petition is disposed of with aforesaid liberty and direction.