
(2008) 11 JH CK 0069
In the Jharkhand High Court

Pannalal Sah

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-11-2008

Acts Referred:

Citation : (2008) 11 JH CK 0069

Hon'ble Judges : Ajit Kumar Sinha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajit Kumar Sinha, J.—The present writ petition has been preferred for issuance of an appropriate writ, order or direction in the nature of mandamus commanding upon the concerned respondents to hand over shop No. 10 constructed as Mangla Hat, Chaibasa, which was allotted to the petitioner after payment of consideration money and as per agreement executed by the Kolhan Superintendent, Singhbhum (West), Chaibasa respondent No. 5.

2. The main contention raised by the petitioner is that even though the allotment was made in the year 2000 and consideration money has already been paid for shop No. 10 but till date possession has not been given to the petitioner.

3. The respondents, in their counter-affidavit at paras 6 and 7, specifically admitted the aforesaid facts and the same are quoted as under:

That it is further stated and submitted that against the order dated 24.9.2003 passed by Deputy Commissioner, West Singhbhum, Chaibasa, the petitioner filed W.P. (C) No. 1675 of 2004 in which the counter affidavit has been filed by the Deputy Commissioner, West Singhbhum at Chaibasa and the Kolhan Superintendent, Chaibasa vide oath No. 12534 dated 28.10.2004.

That it is further stated and submitted that vide memo No. 231 dated 26.7.2000 the petitioner was allotted a shop room No. 10 of Mangla Hat, Chaibasa on certain terms and conditions and pursuant thereto he had deposited Rs. 7500.00

on 10.8.2000.

4. It is very strange that the respondents, who have admitted the entire case of the petitioner on affidavit, are not able to hand over the shop in question as per their own commitment even after receiving consideration money from the petitioner.

5. Considering the aforesaid facts and circumstances of this case, the respondents are directed to hand over the shop in question to the petitioner in accordance with law within a period of three months from the date of receipt/production of a copy of this order. It is unfortunate that even after a lapse of eight years and after fulfilling all requirements the petitioner has been deprived of the benefit to which he is entitled. This writ petition is accordingly allowed without any order, as to costs.