
(2015) 04 JH CK 0125
In the Jharkhand High Court
Case No : WP(C) No. 1522 of 2015

Pranab Brata Roy and Others	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 28-04-2015

Acts Referred:

Citation : (2015) 2 JLJR 540

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Indrajit Sinha, for the Appellant; Atanu Banerjee, Advocates for the Respondent

Final Decision : Allowed

Judgement

S. Chandrashekhar, J—Aggrieved by Communication dated 14.2.2015 issued by the Schedule Area Regulation Officer, Ranchi to the Officer-in-Charge, Lalpur Police Station, the petitioners claiming themselves in possession of the land in question, have approached this Court. It is stated that the land comprised in Plot No. 35 under Khata No. 88, Thana No. 198 measuring 30 decimals at Village-Konka (Lohra Kocha) was acquired by one Lala Sahu vide order passed in Title Suit No. 254 of 1966. The petitioners are purchasers of a part of land from the subsequent purchasers. The respondent No. 4 filed an application under Section 71-A of the C.N.T. Act, which was registered as S.A.R. Case No. 690 of 2014-15. In the said case, notices were issued to the petitioners on 30.1.2015 and the next date of hearing was fixed on 15.2.2015. In the meantime, vide letter dated 14.2.2015, as noticed above, the Schedule Area Regulation Officer directed the Officer-in-Charge, Lalpur Police Station to stop the illegal construction over the land in question.

2. The learned counsel for the petitioners submits that except, in the proceeding of S.A.R. Case No. 690 of 2014-15, the Schedule Area Regulation Officer has no power and jurisdiction to issue a direction to the Police Officer-in-Charge, Lalpur Police Station. As against the above, Mr. Atanu Banerjee, the learned G.A.

submits that since the petitioners were carrying illegal construction, the Schedule Area Regulation Officer has rightly directed the Officer-in-Charge, Lalpur Police Station to ensure stoppage of illegal construction over the land in question. It is further submitted that the applicant had filed an application on 12.2.2015 in S.A.R. Case No. 690 of 2014-15 and therefore, the said Officer has issued such a direction.

3. A photocopy of application dated 12.2.2015 is produced by the learned G.A. which is taken on record. From the materials brought on record, I am of the opinion that the procedure adopted by the Schedule Area Regulation Officer is unprecedented besides, being unwarranted. A Schedule Area Regulation Officer is empowered to decide the application under Section 71-A of the C.N.T. Act and in the said proceeding only, the Schedule Area Regulation Officer can pass an order. S.A.R. Case No. 690 of 2014-15 has been filed by the respondent No. 4 however, since the issue involved in the present writ petition is a question of jurisdiction of the Schedule Area Regulation Officer, in view of the stand taken by the respondent-State of Jharkhand, I am not inclined to issue notice to the respondent No. 4 and the writ petition is disposed of at this stage. The learned counsel for the respondent-State of Jharkhand has not brought to the notice of this Court any provision under the C.N.T. Act, 1908, which confers power upon the Schedule Area Regulation Officer to issue such a direction. I am of the opinion that though, it is open to the Schedule Area Regulation Officer to pass an order in the proceeding of S.A.R. Case No. 690 of 2014-15, no direction as contained in letter dated 14.2.2015 can be issued by the Schedule Area Regulation Officer outside the proceeding in S.A.R. Case No. 690 of 2014-15. The Communication dated 14.2.2015 is an extra-judicial communication which the S.A.R. court cannot issue. The said Communication is without authority of law.

4. In the result, letter dated 14.2.2015 is hereby quashed and the Schedule Area Regulation Officer is directed to pass necessary order on the application dated 12.2.2015 filed by the respondent No. 4, after hearing the petitioners, who are opposite parties in the S.A.R. Case No. 690 of 2014-15. With the above direction, the writ petition is allowed.