

(2023) 07 JH CK 0001

In the Jharkhand High Court

Case No : Writ Petition (Criminal) No. 510 Of 2022

Ram Bachan Singh And Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 01-07-2023

Acts Referred:

Indian Forest Act, 1927 — Section 29, 30

Citation : (2023) 07 JH CK 0001

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Rajendra Krishna, Saurabh Shekhar, Vandana Singh, Rashmi Lal

Judgement

Sanjay Kumar Dwivedi, J

1. Mr. Rajendra Krishna, learned counsel appearing for the petitioners submits that certified copy of the notification dated 24.05.1958 is on the record in which it has been clearly held that the nature and extent of rights of Government and a private person have not yet been enquired into and recorded and this document was annexed as Exhibit No.1 in Title Suit No.11 of 2005. Exhibit no. 5 is the certified copy of the forest settlement cases in which the land has been settled as forest land, containing the land in dispute. He further submits that the original suit being Title Suit No.11 of 2005 was already decreed in favour of raiyats. He further submits that there is no further notification in light of Sections 29 and 30 of the Indian Forest Act and in spite of that the FIR has been registered. He also submits that many cases of Bokaro district with regard to forest land has been decided by this Court in which the Court has quashed the proceeding.

2. Learned counsel for the respondent-State shall take instruction to the main petition as well as I.A. No.5420 of 2023 and file counter affidavit within four weeks.

3. Let it appear on 07.08.2023.

4. Till the next date, there shall be stay of further proceeding in connection with Pindrajora P.S. Case No.42 of 2020, pending in the court of the learned Additional Chief Judicial Magistrate, Bokaro.