

(2025) 05 JH CK 1134
In the Jharkhand High Court
Case No : W.P. (C) No. 1939 Of 2025

Ram Narayan Bhagat

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 02-05-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 05 JH CK 1134

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Sudhir Sharma, Indu Shekhar Gupta, Shashi Shekhar Dwivedi,
Nawal Kishor Pandey

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

1. Instant writ petition has been filed under Article 226 of the Constitution of India for direction to the Circle Officer, Maheshpur (respondent no.5), who put a lock in the residential house of the petitioner over Plot No.931 appertaining to Jamabandi No.45 of Mouza Kakjol, Maheshpur, District Pakur.

2. It is submitted by the learned counsel on behalf of petitioner that the eviction order was passed by the Sub Divisional Officer on 03.09.2016 in R.E.R. Case No.20/2010-11 which was affirmed by the Deputy Commissioner in R.M.A. Case No.04 of 2016. Petitioner moved before the Commissioner, Santhal Pargana in R.M.R. Case No.331/2018-19 in which the order of eviction was stayed by the Commissioner on 22.02.2024 till 11.03.2024. Without disposal of the revision, a fresh notice of eviction was issued by the Circle Officer, Maheshpur vide Annexure-5 dated 16.12.2024. Aggrieved by the said order, instant writ petition has been filed. The petitioner had also preferred a petition before the Commissioner for extension of stay on which no order has been passed till date.

3. It is submitted by the learned counsel on behalf of State that mere filing of an

appeal or revision, does not operate as stay and therefore, since there was no pending stay order, the lock was put on residential house of the petitioner.

4. From the submissions made at Bar, it appears that Petitioner had preferred R.M.R. Case No.331/2018-19 which has not been disposed by the Commissioner and during the pendency of the said revision, the order passed by the Deputy Commissioner, is being given effect too. By dispossessing the Petitioner.

5. Under the circumstance, the Commissioner, Santhal Pargana is directed to dispose of R.M.R. Case No.331/2018-19 within six weeks of the order. The petitioner will appear before the Commissioner, Santhal Pargana on 12.05.2025 for hearing of the revision. In the meantime, the petitioner will not be dispossessed from his house and will have a right of his residence.

Writ Petition is disposed of. Interlocutory Application, if any, is disposed of.