

(2006) 11 JH CK 0030
In the Jharkhand High Court

Santosh Kumar Dudani

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-11-2006

Acts Referred:

Citation : (2007) 2 JCR 166

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—Petitioner has approached this Court through the medium of this writ petition seeking a direction against the respondents from raising any construction of market complex at Lal Bazar, Govindpur (Dhanbad), adjacent to the turning point of Govindpur-Balipur road, near Gandhi Chowk, named as Hatia tand in Pachayat area. It is stated by the petitioner that the locality where the shop is constructed is a residential area. The grievance of the petitioner is that with the construction of the market complex, the road has become congested and with the coming up of the markets, some anti-social elements also engaged in unlawful activities and nuisance is being created.

2. In the counter-affidavit filed, it is stated that the market complex has been raised on the land, which belongs to the Bazaar Samiti Established under the provisions of Jharkhand Agricultural Produce Market Act. The construction of the Complex has been made by maintaining 14" feet wide road. It is further stated that the petitioner is also having his Medicine shop on the same road and has also encroached upon the land.

3. Learned Counsel appearing for the petitioner has made a statement at the bar that he has no objection in construction of the market except that 14" feet wide road be kept intact. He has further submitted that the respondents should remove all encroachments.

4. On the basis of the submission of the learned Counsel appearing for the petitioner at the bar, this writ petition is disposed of with a direction to the

respondents to maintain a 14" feet wide road as mentioned in the counter-affidavit and also to remove encroachments from the road, if any including that of the petitioner. However, if anybody is dislodged, principles of natural justice will be observed.