
(2018) 03 JH CK 0110
In the Jharkhand High Court
Case No : W.P.(C) No. 4390 of 2015

SHANTI HANSDA W/O MANOJ MURMU	APPELLANT
Vs	
STATE OF JHARKHAND	RESPONDENT

Date of Decision : 28-03-2018

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2018) 03 JH CK 0110

Hon'ble Judges : ANUBHA RAWAT CHOUDHARY, J

Bench : Single Bench

Advocate : Vijay Kumar Sharma, Amit Kumar, Atanu Banerjee

Final Decision : Dismissed

Judgement

1. Heard Mr. Vijay Kumar Sharma, counsel appearing for the petitioners assisted by Mr. Amit Kumar and Mr. Atanu Banerjee, G.A. appearing for the respondents.

2. The writ petition has been filed for the following reliefs:Â

â??a. For direction upon the respondents to restraint to the respondent no. 5 to illegally evicted to the petitioners from the residential house

appertaining to Mouza Ganta Khurd, Thana No. 515, Dag No. 65, 66, 7277 whereby and where under aforesaid land has been recorded in the name of the ancestral of the petitioners in the last survey settlement.

b. For direction upon the respondents to immediate restore to the residential house of the petitioners which has been dispossessed by the respondent no. 5

c. For direction upon the respondent No. 3 to compensate the petitioner due to illegally dispossessed and harassed the petitioner.

d. For any other appropriate relief or relief(s) as Your Lordship may deem fit and proper in the light of the facts and circumstances of this case.â??

3. This writ petition has been filed vide affidavit dated 08.09.2015.Â

4. Counsel for the respondents submits that respondents have filed a counter-affidavit in this case bringing on record the final order dated 04.03.2015

passed in Encroachment Case No. 63/14-15 but this order has not been challenged in the writ petition and accordingly no relief can be granted to the

writ petitioners in this case.Â Counsel for the respondents also submits that the writ petitioners have suppressed the facts before this Court which

have been brought on record in the counter-affidavit and otherwise also the petitioners are not entitled to any relief under Article 226 of the

Constitution of India and also submits that the order passed in the said encroachment case has already taken its effect.

5. After hearing counsel for the parties, and considering the facts and circumstances of this case, it appears that one Encroachment Case No. 63/14-

15 was instituted against the petitioners which was disposed of vide order dated 04.03.2015 and the petitioners have got efficacious alternative remedy

under law to challenge the same. Moreover, the said order dated 4.3.2015 has not been challenged in this writ petition therefore, no relief can be

granted to the petitioners on the order passed on 04.03.2015 in Encroachment Case No. 63/14-

15.Â Â Accordingly the writ petition is dismissed.Â