

(2011) 03 JH CK 0123

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3504 of 2008

Shashidhar Prasad

APPELLANT

Vs

State of Jharkhand, Managing Director Jharkhand State
Agriculture Marketing Board, Secretary Agriculture Produce
Marketing Committee and Sub-Divisional Officer-cum-
Chairman Agriculture Produce Market Committee

RESPONDENT

Date of Decision : 15-03-2011

Acts Referred:

Citation : (2011) 03 JH CK 0123

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Mr. Anil Kumar, learned Counsel appearing for the Petitioner submitted that Karma Hat which was a Nizi Hat of the Petitioner was settled in his favour on 31.03.2008 for the purpose of collecting market fee on behalf of the market committee, but after a few days i.e. on 03.04.2008, the Petitioner was directed not to realise market fee on the ground of alleged breach of peace. He further submitted that the said Hat was being settled to the Petitioner for a long time. He further submitted that only 50 decimal of land was gifted for running the school out of total area of 2.27 acres.

2. Mr. Singh, learned senior counsel appearing for the market committee referred to paragraph 4 C of the counter affidavit which reads as follows:

It is also humbly stated and submitted that the Petitioner has not approached this Hon''ble Court with clean hands and has suppressed material facts from this Hon''ble court. The hat, namely Karma Hat, which the Petitioner is claiming to be a Niji hat is held on land in village-Karma, P.S.-Itkhori, District-Chatra. This plot of land has been donated by none other than the Petitioner himself to H.E. The Governor of Jharkhand for the establishment, construction and running of a school in the name of Swami Vivekanand Shallja Girija High School, on the said

plot of land. A decree of gift has been executed by the Petitioner to that effect on 20.10.2001. Therefore the school is also claiming its right to hold and run the said Hat. This has given dispute affecting law and order problem

3. The said counter affidavit was filed on 01.08.2009 after serving copy to the counsel for the Petitioner, but no rejoinder has been filed to the same.

4. There appears to be some dispute between the school and the Petitioner over the right to hold and run the Hat. It further appears that there was apprehension of breach of peace. In such circumstances, market committee was justified in directing the Petitioner not to proceed with the realisation of market fee till the parties get their rights decided by competent civil court.

5. No grounds are made out for interference in this writ petition, which is accordingly dismissed. However, no costs.