
(2016) 04 JH CK 0052
In the Jharkhand High Court
Case No : W.P. (C) No. 1834 of 2016.

Sushma Rashmi and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-04-2016

Acts Referred:

Bihar Public Land Encroachment Act, 1956 — Section 3

Citation : (2016) 2 AIRJharR 547

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Yogesh Modi, Advocate, for the Appellant; V.K. Prasad, SC (L&C), Ashish kr. Thakur, JC to SC(L&C), for the Respondent

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J. - Deficit court fee has been filed today. Counsel for the petitioners undertakes to remove the surviving defect No. 1 and 4 by tomorrow. Defect No. 2 is ignored.

2. Learned counsel for the petitioners submits that after notice under section 3 of B.P.L.E. Act, 1956 (now Jharkhand) dated 27.02.2016 (Annexure-2 series) in respect of plot No. 179 having Khata No. 80, Thana No. 101, village Lakhari district Giridih and posting the matter for 05.03.2016 for appearance of the petitioners, matter has not proceeded in accordance with the Act of 1956. It is submitted that the petitioners have not filed any objection also, but no determination and order under section 6(2) of the Act of 1956 has been issued by now. However, on 02.04.2016, respondent authorities have arbitrarily proceeded to demolish the wall of the petitioner No. 1 and are threatening to remove the alleged encroachment today in respect of all the petitioners. That is the urgency to move this Court.

3. Learned counsel for the respondent State seeks short time to obtain instruction in the matter and respond.

4. List the case, as prayed for, on 21.04.2016. Respondents should file their counter affidavit by 18.04.2016 positively.
5. Till then, no coercive steps be taken in respect of the aforesaid plot in question against the petitioners.
6. Learned counsel for the respondent State would communicate the order telephonically to the concerned authorities of the district of Giridih today itself.