
(2018) 05 JH CK 0085

In the Jharkhand High Court

Case No : Writ Petition (5) No.2578 of 2018

Tribhuwan Pandey

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 22-05-2018

Acts Referred:

Citation : (2018) 05 JH CK 0085

Hon'ble Judges : ANUBHA RAWAT CHOUDHARY, J

Bench : Single Bench

Advocate : P.A.S. Pati, Kumar Rahul Kamlesh, Ravi Kumar, Ashok Kumar Singh

Final Decision : Disposed Off

Judgement

1. Heard Mr. P.A.S. Pati, Advocate assisted by Mr. Kumar Rahul Kamlesh, Advocate and Mr. Ravi Kumar, Advocate appearing on behalf of the petitioners.

2. Heard Mr. Ashok Kumar Singh, Associate Counsel to Standing Counsel (Land & Ceiling) appearing on behalf of the respondent-State.Â

3. The main grievance of the writ petitioners during the course of argument is that the property being Plot No.1788,Â Khata No. 81, Thana No. 143,

Mouza Behradih, Circle Jainagar, District- Koderma area 0.20 acres is a water body as per the records of the State and the respondents are taking

step to change the nature of water body by making Pucca construction over the same. Â

4. Counsel for the petitioners further submits that the water bodies are to be protected and the Pucca construction over the same will change the

nature of the land which will adversely affect the agricultural operations of the area.Â

5. Counsel for the petitioners further submits that they have raised their grievance before the Deputy Commissioner, Koderma on 09.04.2018 in which one of the petitioners namely, Sanjay Pandey is the signatory, but, no action or decision has been taken pursuant to such representation and the

construction is going on and in such circumstances, this writ petition has been filed.

6. Counsel for the petitioners further submits that construction is taking place pursuant to decision contained in Memo No. 806 dated 21.11.2017 issued

by the State of Jharkhand, Drinking Water and Sanitation Department as contained in Annexure-9 to the writ petition, wherein the Mouza has been

wrongly mentioned as Mouza Tilokari and actual mouza is Mouza Behradih and in fact the construction is taking place in Mouza Behradih.

7. Counsel for the respondents submits that the grievance of the petitioners can be looked into by the Deputy Commissioner at the first instance and

for which the petitioners may approach the Deputy Commissioner, Koderma and once the petitioners approach the Deputy Commissioner, Koderma,

he shall look into the grievance of the petitioners and pass appropriate order within a period of one week from the date of receipt of a copy of the

representation containing the details of the grievance of the petitioners.

8. Upon this, counsel for the petitioners seeks permission to withdraw this writ petition with the liberty to approach the Deputy Commissioner,

Koderma alongwith a copy of this order and a detailed representation stating their grievances.

9. Considering the prayer made by the counsel for the petitioners, this writ petition is permitted to be withdrawn with a liberty to the petitioners to

approach the Deputy Commissioner, Koderma alongwith a copy of this order and a detailed representation stating their grievances. If such

representation is filed within a period of one week from today, the Deputy Commissioner, Koderma is directed to pass an appropriate order on the

representation of the petitioners after hearing the petitioners within a period of one week from the date of receipt of such representation.

10. The writ petition is accordingly disposed of.

11. Let a copy of this order be handed over to the counsel for the parties.