

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
A. B. A. No. 2830 of 2020**

Somai Kisku **Petitioner**

Versus

The State of Jharkhand **Opp. Party**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner :Mr. Ashish Kumar, Advocate
For the State :Mr. V. K. Vashistha, A.P.P

02/Dated: 09.09.2020

1. Office to delete the name of Mr. Deepak Kumar and mention the name of Mr. V. K. Vashistha, as the counsel for the State in the daily cause list.
2. Learned counsel for the petitioner submits that he shall file the necessary application for impleading the informant as O.P. No.2.
3. Learned counsel for the petitioner has submitted that it would be evident from Annexure-2 that the Deputy Collector Land Reform (LRDC) Seraikella, in Mis. Case No.61/05-05 had granted the permission to Sahebram Majhi for sale and transfer of the land bearing plot no.634 Khata No.83 measuring 2.58 acres. Thereafter Sahebram Majhi had executed the sale deed and vide Mutation Case No.798/2005-06, the petitioner's name was entered in the 'shrista' of the State Government. Since then the petitioner has been paying the rent and is in possession of the land. It is argued that the complainant-(informant) is the son of Sahebram Majhi. The informant (complainant) filed the complaint case, alleging that his father died in 1999. It is alleged that the petitioner had set up a fictitious person as Sahebram Majhi and got the sale deed executed in his favour. On the basis of the complaint the police registered Kandra P.S. Case No.8 of 2020. It is submitted that the complainant did not file any document in proof of the claim that his father, namely Sahebram Majhi, had died in 1999. It is argued that neither Sahebram Majhi nor the informant preferred any appeal or challenged the order passed by L.R.D.C., Seraikella in Misc. Case

No.61/05-05. It is argued that the complainant has filed the case with an ulterior motive because the aforesaid land is to be acquired for laying gas pipe lines by the Government for which compensation is to be paid to the land owner.

4. Learned APP seeks permission to procure the case diary and if required, to file the counter affidavit.

5. Heard. Learned counsel for the petitioner shall file requisites of notice under registered cover with A/D as well as under ordinary process, for service upon O.P. No.2, preferably within two weeks.

6. In the meantime, office shall call for a neatly typed copy of the case diary, and list the application on **13.10.2020**.

7. Considering the nature of dispute, no coercive steps shall be taken against the petitioner in connection with Kandra P.S. Case No.08 of 2020, pending in the court of learned S.D.J.M, Seraikella, till the next date.

(AMITAV K. GUPTA, J.)

Rohit/-