

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No.1707 of 2021**

Pintu Kumar Yadav

..... Petitioner.

-Versus-

1. The State of Jharkhand
2. The Deputy Commissioner, Deoghar.
3. The Sub Divisional Officer, Deoghar.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Anil Kumar Sinha, Advocate
For the State : Mr. Achyut Keshav, G.P.I

Order No.03

Date: 09.09.2021

This case is taken up through video conferencing.

Pursuant to the order dated 26th August, 2021 passed by this Court, Mr. Achyut Keshav, learned G.P.I., appearing on behalf of the respondents has referred the notification no.2832-R dated 23rd August, 1957 by which in exercise of powers conferred by sub-section (1) of section 2 of the Bihar Public Land Encroachment Act, 1956 (Act XV of 1956), the Governor of Bihar has empowered the Sub Divisional Officers to discharge all or any of the functions of a Collector under the said Act within their respective jurisdictions.

Keeping in view the said notification, the query made by this Court vide order dated 26th August, 2021 is duly met.

The present writ petition has been filed for quashing the notice dated 5th December, 2020 (Annexure-5 to the writ petition) issued by the Sub Divisional Officer, Deoghar- respondent no.3 under section 3 of the Bihar (now Jharkhand) Public Land Encroachment Act, 1956, informing the petitioner inter alia that he has been making construction over plot no.466 (part), Mouja Choupa no.789 and has accordingly been called upon to appear in his office along with relevant documents as to why appropriate action under the provisions of the said Act, 1956 be not taken.

On perusal of the record, it appears that subsequent to the said notice dated 5th December, 2020, the petitioner has filed his written statement/reply (Annexure-6 to the writ petition) before the respondent no.3.

Hence, without entering into merit of the case, this writ petition is disposed of, directing the respondent no.3 to consider the petitioner's written statement/reply, submitted pursuant to the notice dated 5th December, 2020, and pass appropriate order in accordance with law after providing an opportunity of hearing to the petitioner/his representative within a period of two months from the date of receipt/production of a copy of this order.

Sanjay/

(Rajesh Shankar, J.)