

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W. P. (PIL) No. 2258 of 2021

With

W. P. (PIL) No. 2443 of 2021

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W. P. (PIL) No. 2258 of 2021:

Bhumi Adhigrahan Visthapan Avam Punarvas Kisan Samiti

Through its President Gaurav Singh ... .. Petitioner

Versus

The Union of India through its Secretary, Ministry of

Mines and Steel & Others ... .. Respondents

W. P. (PIL) No. 2443 of 2021:

Ram Subhag Singh ... .. Petitioner

Versus

The Hon'ble High Court of Jharkhand through Registrar General,

High Court of Jharkhand & others ... .. Respondents

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**CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**

**: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Petitioner : Mr. R. R. Tiwary, Advocate

For the Respondent : Mr. Sachin Kumar, AAG II

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6/09.09.2021 On 02.09.2021, this court had formulated certain questions of law which are incorporated in the said order itself.

Mr. Sachin Kumar, learned AAG II for the State was asked to file an affidavit stating therein as to whether the State has preferred a Letters Patent Appeal against the order passed in W.P.(C) No. 2013 of 2020 or it is contemplating to prefer an appeal.

Mr. Sachin Kumar, learned AAG II has today filed a counter affidavit in W.P.(PIL) No. 2258 of 2021 in which it has been stated that a decision regarding filing of an appeal against the order passed in W.P.(C) No. 2013 of 2020 is under consideration and it will take further three weeks' time to take a decision.

Mr. R. R. Tiwari, learned counsel for the petitioner in W.P. (PIL) No. 2258 of 2021 submits that the counter affidavit filed by the State merely reveals that they will take a decision whether to file an appeal or not, but the State could also file a review application, but this affidavit is silent in that respect. Mr. Tiwary, further submits that transit challan has

been issued, at which Mr. Sachin Kumar, learned AAG II submits that he has to take instruction on the aforesaid submission.

On consideration of the counter affidavit filed on behalf of the State and the submission advanced by Mr. R. R. Tiwary, learned counsel for the petitioner in W.P.(PIL) No. 2258 of 2021, we think it fit to adjourn this matter for three weeks.

Let this case be listed on 04.10.2021.

In the meantime, learned A.A.G. II shall file an affidavit in compliance with the order dated 02.09.2021 and shall also take instruction and indicate therein as to whether transit challan has been issued in favour of the respondent no. 7 and if the answer is in the affirmative, the State should also indicate as to how many challans have been issued so far. The affidavit should also contain averments as to whether the State is intending to prefer a review application for review of the order dated 21.05.2021 passed in W.P.(C) No. 2013 of 2020.

List accordingly.

(Rongon Mukhopadhyay, J)

(Anil Kumar Choudhary, J)