

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.2193 of 2020

Upendra Behra

..... ... Petitioner

Versus

1. The State of Jharkhand.
2. Deputy Commissioner, West Singhbhum, Chaibasa.
3. Kolhan Superintendent, West Singhbhum, Chaibasa.
4. Circle Officer, Hatgamharia, Circle Office, West Singhbhum, Chaibasa.
5. Hemant Behra.
6. Lalit Behra. Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Suraj Kumar, Advocate

For the Res. Nos.1 to 4 : Mr. Kishore Kumar Singh, S.C.-VI

04/08.09.2021 The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for quashing the order dated 19th March, 2020 (Annexure-3 to the writ petition) passed by the Kolhan Superintendent, West Singhbhum, Chaibasa – the respondent no.3 in Kolhan Execution Case No.01 of 2015 in execution of judgment dated 1st March, 2014 and decree dated 3rd March, 2014 passed by the said respondent in Kolhan Title Suit No.14 of 2003. Further prayer has been made for issuance of direction upon the Deputy Commissioner, West Singhbhum, Chaibasa – the respondent no.2 to expeditiously decide the Kolhan Title Appeal No.08 of 2014-15 filed by the petitioner against the judgment dated 1st March, 2014 and decree dated 3rd March, 2014 passed in Kolhan Title Suit No.14 of 2003.

Heard learned counsel for the parties and perused the content of the writ petition.

The grievance of the petitioner is that he being aggrieved with the judgment dated 1st March, 2014 and decree dated 3rd March, 2014 passed by the respondent no.3 in Kolhan Title Suit No.14 of 2003 has preferred Kolhan Title Appeal No.08 of 2014-15 in the court of the respondent no.2 which is still pending adjudication, however, during pendency of the same, the respondent no.3 vide impugned order dated 19th March, 2020 passed in Kolhan Execution Case No.01 of 2015 has ordered for delivery of possession of the land in question in favour of the respondent nos.5 and 6.

On perusal of the impugned order dated 19th March, 2020 passed

by the respondent no.3 in Kolhan Execution Case No.01 of 2015, it appears that the said respondent while considering the fact that the appeal preferred by the petitioner is pending in the court of the respondent no.2 for the last five years and the petitioner has not got any order of stay from the said appellate court, has passed the said order of delivery of possession of the land in question in favour of the respondent nos.5 and 6.

Under the aforesaid circumstance, the present writ petition is disposed of giving liberty to the petitioner to prefer an application in the court of respondent no.2 seeking interim relief against judgment dated 1st March, 2014 passed in Kolhan Title Suit No.14 of 2003 as well as order dated 19th March, 2020 passed in Kolhan Execution Case No.01 of 2015. If the said application is filed in the court of respondent no.2 within ten days from today, the said respondent shall take up the same and after providing due opportunity of hearing to the petitioner as well as the respondent nos.5 and 6, shall pass appropriate order on the same within a period of two weeks thereafter.

(Rajesh Shankar, J.)

Rohit