

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 3799 of 2019

With

I.A. No. 3021 of 2021

Babulal Pandit

... ... Petitioner

Versus

1. The State of Jharkhand
2. The Divisional Commissioner, Singhbhum (Kolhan) Division, Chaibasa
3. The Deputy Commissioner, East Singhbhum, Jamshedpur
4. Land Reforms Deputy Collector, Dhalbhumgarh, District- East Singhbhum
5. Smt. Kaushalya Singh Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. A.K. Sahani, Advocate

For the Respondent Nos. 1 to 4 : Mr. Ashish Kumar Thakur, A.C. to A.A.G.-III

05/07.09.2021 The present case is taken up through video conferencing.

At the request of the learned counsel for the petitioner, the remaining defects, as pointed out by the office, are ignored for the present.

The present writ petition has been filed for quashing order dated 23.03.2006 (Annexure-1 to the writ petition) passed by the respondent no. 4 in Land Restoration Case No. 35 of 2001-02, order dated 19.02.2007 (Annexure- 2 to the writ petition) passed by the respondent no. 3 in S.A.R. Appeal No. 55 of 2006-07 and order dated 19.02.2019 (Annexure-3 to the writ petition) passed by the respondent no. 2 in S.A.R. Revision No. 22 of 2007.

Mr. A.K. Sahani, learned counsel for the petitioner, submits that admittedly the vendor of the petitioner had purchased the land in question on 12.06.1962 from whom the wife of the petitioner namely Raj Kumari Devi purchased the same vide sale deed no. 1724 dated 14.02.1974 and accordingly the same was mutated in her favour vide Mutation Case No. 497 of 1975-76. Thereafter, the petitioner constructed residential house over the said land and since then he has been residing over the same with his family. It would thus be evident that the petitioner has been in possession of the said land for about 47 years. It is further submitted that none of the courts below while passing the impugned orders have considered the aspect of long possession of the petitioner over the said land and wrongly directed for restoration of the same in favour of the respondent no. 5.

I.A. No. 3021 of 2021 has been filed on behalf of the petitioner for staying the implementation of the impugned orders passed by the courts below. Further prayer has been made in the said interlocutory application for staying the implementation of notice as contained in memo no. 501 dated 01.07.2021 (Annexure-4 to the present interlocutory application) issued by the Circle Officer, Patamda as during pendency of the present writ petition, the said authority has issued the said notice directing the petitioner either to handover the possession of the land in question to the respondent no. 5 or to make available an order of stay from the higher forum/court of law.

Mr. Ashish Kumar Thakur, learned A.C. to A.A.G.-III appearing on behalf of the respondent nos. 1 to 4, prays for and is allowed six weeks' time to seek instruction and file counter affidavit.

Issue notice to the respondent no. 5 under registered cover with A/D as well as through ordinary process for which requisites etc. must be filed within a week.

Put up this case on 28.10.2021 under the heading "For Admission".

Till then, the petitioner shall not be dispossessed from the land in question pursuant to the impugned orders passed by the courts below as well as the notice dated 01.07.2021 issued by the Circle Officer, Patamda.

I.A. No. 3021 of 2021 stand disposed of.

(Rajesh Shankar, J.)