

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3225 of 2021

Anita Kumari Petitioner

Versus

1. The State of Jharkhand.
2. The Secretary, Department of Land & Revenue, Project Building, Dhurwa, Ranchi.
3. The Deputy Commissioner, Deoghar.
4. The S.D.O., Deoghar.
5. The Circle Officer, Deoghar.
6. Sakli Devi.
7. Lalan Kumar Yadav Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Niranjan Kumar, Advocate
For the Res. Nos.1 to 5 : Mr. Bhaskar Trivedi, A.C. to S.C.-III

03/07.09.2021 The present writ petition is taken up today through Video conferencing.

Mr. Niranjan Kumar, learned counsel for the petitioner submits that the deficit Court fee has already been filed. At his request, the rest of the defects, as pointed out by the office are ignored.

The present writ petition has been filed for quashing the order dated 11th May, 2021 (Annexure-6 to the writ petition) passed by the Sub-Divisional Officer, Deoghar – the respondent no.4 in R.M. Case No.01/73 of 2020-21 directing eviction of the husband of the petitioner (since deceased) from the land appertaining to Khata No.30, Plot No.78, measuring an area of 27 decimals of Village-Jamuni, Rohini, District – Deoghar with further direction to the Circle Officer, Deoghar – the respondent no.5 to make the said land free from illegal possession of the husband of the petitioner (since deceased).

The main submission of the learned counsel for the petitioner is that vide order dated 29th November, 2012 (Annexure-3 to the writ petition), the respondent no.4 had directed the respondent no.7 to file a case with respect to his claim over the said land before competent court of law, however, ignoring the earlier order, the respondent no.4 vide impugned order dated 11th May, 2021 has directed the husband of the petitioner (since deceased) to vacate the said land.

Mr. Bhaskar Trivedi, learned A.C. to S.C. III appearing on behalf of the respondent nos.1 to 5 raises a preliminary objection with regard to the maintainability of the writ petition on the ground that the petitioner

has efficacious remedy of preferring appeal in the court of the Deputy Commissioner, Deoghar – the respondent no.3 against the impugned order dated 11th May, 2021 passed by the respondent no.4 in view of provisions of Section 57 of the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949.

Having heard learned counsel for the parties and considering that the petitioner has efficacious remedy of preferring appeal before the respondent no.3 against the impugned order dated 11th May, 2021 passed by the respondent no.4, I am of view that the present writ petition is not maintainable at this stage.

The petitioner is, however, at liberty to take aforesaid alternative recourse against the impugned order dated 11th May, 2021.

The writ petition is, accordingly, dismissed as not maintainable with aforesaid liberty.

(Rajesh Shankar, J.)

Rohit