

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Writ Jurisdiction]

W.P.(C) No. 4215 of 2009

1.Arun Kunar Dawn
2.Narayan Dawn
3.Sujji Pad Dawn @ Surya Pad Dawn
4.Guru Bala Dasi Petitioners

Versus

1.The State of Jharkhand
2.The Commissioner, Santhal Paragana Division, Dumka
3.Charge Officer, Dumka
4.Haradhan Dawn
5.Bijay Dawn
6.Nimai Dawn
7.Subhagi Dawn
8.Khitish Dawn
9.Mathur Dawn Respondents

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CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through :-Video Conferencing)

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For the Petitioners : Mr. Manoj Kumar, Advocate
For the Resps.-State : Mr. Sandeep Verma, A.C. to Sr. S.C.-III
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08/ 08.09.2021.

Heard, learned counsel for the parties.

Learned counsel for the petitioners, Mr. Manoj Kumar has submitted that writ petition has been filed on 07.09.2009 for quashing the order dated 28.05.2008, passed by the Commissioner, Santhal Pargana Division., Dumka in R.M.A. No.70 of 1988-89 whereby the order dated 06.06.1988, passed by Charge Officer, Dumka in Fauti Case No.62 of 1986 has been set aside wherein the charge officer has directed to open jamabandi in the name of near relatives of the recorded tenant and has not declared the land to be "Fauti" and the commissioner after setting aside the order dated 06.06.1988, passed by Charge Officer, Dumka in Fauti Case No.62 of 1986 has declared the land to be "Fauti".

Learned counsel for the petitioners has further submitted that petitioners do not want to press the instant Writ Petition.

Learned counsel for the State, Mr. Sandeep Verma, A.C. to Sr. S.C.-III has opposed the prayer and submitted that counter-affidavit has already been filed by the State on 17.12.2009 supporting the order passed by the Commissioner.

From perusal of the record, it appears that during pendency of the writ petition, one of the petitioners/petitioner no.1- Arun Kunar Dawn has died though the Co-ordinate Bench of this Court has granted time for filing substitution petition on 20.12.2018, 21.01.2019, thereafter on 19.08.2019 and subsequently on 24.09.2019 four weeks time was granted at a cost of Rs.1,000/- to be deposited

before the Advocate Clerks Association, High Court of Jharkhand, Ranchi, but the same was not complied. Thereafter the Co-ordinate Bench of this Court vide order dated 15.12.2020 has again granted four weeks time at a cost of Rs.2,000/- to be deposited before the Secretary, Department of Women, Child Development & Social Welfare, Govt. of Jharkhand, Ranchi towards the Juvenile Justice Fund, either by cheque or bank draft or can be deposited in the State Bank of India A/c No.3734498462-5, favouring Juvenile Justice Fund. Thereafter co-ordinate Bench of this Court has again granted six weeks time for filing substitution petition on 12.04.2021 and thereafter time was granted by this Court on 31.08.2021, even then the substitution petition has not been filed and now petitioners do not want to press the instant Writ Petition.

Accordingly, since the petitioners do not want to press this Writ petition, as such, the instant Writ Petition is hereby dismissed as not pressed.

(Kailash Prasad Deo, J.)