

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

W.P.(C) No. 1903 of 2020

1. Sujit Kumar
2. Ratan Sao
3. Sanjay Sao
4. Ganesh Sao
5. Tribhuvan Kumar

..... Petitioners

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Bokaro
3. The Deputy Development Commissioner, Bokaro
4. The Circle Officer, Gomia, Bokaro

..... Respondents

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**CORAM****HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioners: Mr. P. C. Tripathi, Sr. Adv.

For the State: Mr. P. S. A. S. Pati, S.C-IV

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02/08.07.2020 The present writ petition has been filed for issuance of direction upon the respondents to immediately stop the demolition drive in pursuance of notice dated 27.06.2020 (Annexure-4 to the writ petition) issued to the petitioners directing them to remove the alleged encroachment within 24 hours, failing which the structure standing over the land appertaining to Khata No. 51, Plot No. 622, Mouza-Ocho, P.S-Gomia, Thana No. 109, measuring an area of 1.05 Decimals (out of the total area of 19.50 Decimals), District-Bokaro would be demolished.

Learned Sr. counsel for the petitioners submits that the said land was settled in favour of Late Gobra Teli (ancestor of the petitioners) by the ex-landlord of Ramgarh Vice Estate Hazaribagh by way of Hukumnana in the year 1937-38. Pursuant to the said settlement, the Zamindari receipt was also issued to Late Gobra Teli. After vesting of the said land in terms with the Bihar Land Reforms Act, 1950, the rent receipts were also issued by the State Government on payment of rent by Late Gobra Teli. Since then the petitioners/their ancestors have been in possession of the said land. Ignoring the said fact, the State Government settled 2 decimals land each in favour of 41 landless persons under a Government scheme and the respondent No.4 has issued the impugned notice dated 27.06.2020 for removal of the alleged

encroachment (building and boundary wall) from the said land. Learned Sr. counsel for the petitioners further submits that no proceeding whatsoever has been initiated by the respondent No.4 in accordance with law so as to evict the petitioners from the land in question. Hence, the impugned notice dated 27.06.2020 is illegal and liable to be set aside.

Mr. P. S. A. S. Pati, learned S.C-IV appearing on behalf of the respondents, submits that it is evident from the impugned notice dated 27.06.2020 that the land in question is of 'Gair Mazurwa Khata' and the nature of the land has been recorded as 'Parti Kadim'. Thus, treating the said land to be the public land, the impugned notice dated 27.06.2020 has been issued by the respondent No.4.

Heard learned counsel for the parties and perused the contents of the present writ petition. Perusal of the impugned notice dated 27.06.2020 issued by the respondent No.4 suggests that while directing the petitioners to remove the alleged encroachment from the land in question, no formal proceeding appears to have been drawn by the respondent No.4 as no case number has been written on the said notice. The petitioners have been directed through the impugned notice dated 27.06.2020 to remove the alleged encroachment from the land in question within 24 hours, failing which further action would be taken for removal of the alleged encroachment and the cost would be realised from the petitioners. Since the petitioners have contended that they/their ancestors have been in possession of the said land since 1937, I am of the considered view that before taking any step for removal of the alleged encroachment from the land in question, the petitioners are required to be afforded an opportunity of hearing by the respondent No.4.

Accordingly, the petitioners are given liberty to file their respective representations before the respondent No.4 by 17.07.2020 giving the details of their right, title and possession over the said land along with the supporting documents. On receipt of such representations, the respondent No.4 on drawing a formal proceeding and after providing due opportunity of hearing to the

petitioners/their representatives, shall pass a reasoned order in accordance with law. Till the said order is passed by the respondent No.4, no further demolition drive shall be carried out by the respondent authorities over the land in question and the impugned notice dated 27.06.2020 shall be kept in abeyance.

The present writ petition is accordingly disposed of.

Satish/-

(RAJESH SHANKAR, J)