

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1203 of 2020

1. Birsa Munda
2. Munna Munda

..... Petitioners

Versus

1. The State of Jharkhand, through the Secretary, Department of Revenue, Registration and Land Reforms
2. The Deputy Commissioner, Ranchi
3. The Circle Officer, Hehal, Ranchi
4. The Additional Collector, Ranchi
5. The Land Reforms Deputy Collector, Ranchi

..... Respondents

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

For the Petitioners: Mr. Rohit Roy
 For the State: Mr. Manish Mishra, G.P-V

04/08.07.2020 The present writ petition has been filed for quashing the notice as contained in letter No. 199(i) dated 07.03.2020 (Annexure-5 to the writ petition) issued by the respondent No.3 in terms of which the petitioners have been sought to be evicted forcefully without following due process of law. Further prayer has been made for issuance of direction upon the respondents to show cause as to how and under what authority, the respondents are interfering with the peaceful, continuous and uninterrupted possession of the petitioners over their Raiyati land appertaining to Plot Nos. 559 & 560 of Khata No. 34 and Plot Nos. 563, 564 & 565 of Khata No. 48, Mouza-Kathargonda, Thana No. 201, P.S-Godda, District-Ranchi. The petitioners have also prayed for issuance of direction upon the respondents restraining them from interfering with the peaceful, continuous and uninterrupted possession of the petitioners over their immovable properties situated over the said land.

Reference may be made to the order dated 16.06.2020 passed by this Court in the present writ petition which reads as under:

"It appears that the impugned notice, as contained in letter No. 199(i) dated 7th March, 2020 (Annexure-5 to the writ petition) has been issued by the Circle Officer, Hehal, Ranchi-respondent No.3 in terms with the order passed by a Division Bench of this

Court in a Public Interest Litigation, number of which has not been mentioned in the said notice.

Hence, Mr. Vijay Shankar Prasad, learned G.P-I, is directed to produce the relevant order passed by this Court in the aforesaid Public Interest Litigation, on the next date fixed.

Put up this case under the same heading on 24th June, 2020.”

Thereafter, the present writ petition was taken up on 24.06.2020 and on the said date also, no such order said to have been passed by the learned Division Bench of this Court in the Public Interest Litigation was produced before this Court. However, due to reshuffling of the panel of the State lawyers, Mr. Suresh Kumar, learned S.C (L&C)-II, was requested to take charge of the case on behalf of the State of Jharkhand and the respondents were directed to file their counter affidavit(s) before the next date fixed.

An affidavit dated 30.06.2020 has been filed on behalf of the respondents sworn by the respondent No.3. Though it has been prayed in the said affidavit to grant four weeks' time to the respondents to file detailed counter affidavit, yet a copy of the order dated 06.03.2020 passed by the learned Division Bench of this Court in W.P.(PIL) No. 1911/2019 has been annexed with the affidavit. If paragraph 5 of the affidavit is read along with the said annexure, it may be construed that the impugned action has been taken by the respondents in pursuance of the said order of the learned Division Bench of this Court.

On perusal of the prayers of the petitioners made in the present writ petition, it would be evident that the petitioners have portrayed the matter as if the respondent authorities are intending to interfere with the peaceful, continuous and uninterrupted possession of the petitioners over their Raiyati land in which permission has been given by the petitioners to the occupants of the said land, whose names have been mentioned in paragraph 13 of the present writ petition, to reside thereon by constructing houses. However, by filing the said affidavit the State-respondents have brought on record the order dated 06.03.2020 passed by the learned Division Bench of this Court in

W.P.(PIL) No. 1911/2019 to suggest that it is not a matter in which the respondent authorities are interfering with the Raiyati right of the petitioners over the land in question, rather the impugned notice dated 07.03.2020 has been issued by the respondent No.3 for removal of the alleged encroachment made in the acquired part of Kanke Dam, Ranchi.

Considering the said aspect of the matter and keeping in view that the W.P.(PIL) No. 1911/2019 is still pending consideration before the learned Division Bench of this Court, I am not inclined to entertain the present writ petition and the same is accordingly disposed of.

It is however observed that if the respondent authorities want to proceed for removal of the alleged encroachment from the acquired part of Kanke Dam, Ranchi, the said step shall be taken by them on observing due process of law.

Satish/-

(RAJESH SHANKAR, J)