

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No.440 of 2019**

Smt. Bhawani Devi & Ors. .... ... Petitioners

Versus

The State of Jharkhand & Ors. .... ... Respondents

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

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For the Petitioners : Mr. Samavesh Bhanj Deo, Advocate

For the Respondent Nos.1-5 : Mr. Prabhash Sinha, A.C. to G.A.-III

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05/05.04.2021 The present writ petition is taken up today through Video conferencing.

Learned counsel for the petitioners submits that the father of petitioners filed a writ petition being C.W.J.C. No.7662 of 1994 (P) before the Hon'ble Patna High Court for quashing the order dated 8<sup>th</sup> August, 1994 passed by the Commissioner, Santhal Pargana Division, Dumka in Rev. Misc. Appeal No.132 of 1992-93 setting aside the order passed by the Charge Officer, Western Dumka dated 8<sup>th</sup> June, 1992 in Rev. Eviction Case No.52 of 1992, allowing the appeal of the respondent no.6 with a direction to the authorities to evict him from the land which was in his possession since the year 1929. Respondent nos.2 to 4 was further directed to act in accordance with law and also not to disturb the peaceful possession of the land which had been coming prior to Gantzer's settlement. During pendency of C.W.J.C. No.7662 of 1994 (P), the State of Bihar got bifurcated and High Court of Jharkhand was created with effect from 15<sup>th</sup> November, 200 and the said case was transferred to this Court. Further during pendency of the said case, the original petitioner, namely Shankar Marik died on 30<sup>th</sup> April, 2008 and as such, a substitution petition was filed on behalf of the present petitioners which was allowed and they were substituted in place of the original petitioner. It is further submitted that unfortunately the records of the C.W.J.C. No.7662 of 1994 (P) was not available and vide order dated 3<sup>rd</sup> October, 2018, the said case was dismissed as withdrawn with liberty to the petitioners to file a fresh writ petition, if cause of action survived.

Issue notice.

Mr. Prabhash Chandra Sinha, learned A.C. to G.A.-III appears and waives notice on behalf of the respondent nos.1 to 5. He submits that a counter affidavit on behalf of the State respondents has already been filed.

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Issue notice to the respondent no.6 under ordinary process for which requisites etc. must be filed within a period of one week.

Notice is made returnable after six weeks.

**(Rajesh Shankar, J.)**

*Rohit*