

(In the matter of an application under Article 226 of the Constitution of India)

....
W.P. (C) No.3893 of 2006

Chiman Lal Sharma Petitioner

Versus

1. State of Jharkhand
2. Collector, Singhbhum East, Jamshedpur
3. Circle Officer, Jamshedpur, District- East Singhbhum Respondents

....
PRESENT

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

....
For the Petitioner :Mr. Indrajit Sinha, Adv.
For the Respondents :Mr. Nand Kishore Pandey, Adv.

....
The matter was taken up through Video Conferencing. Learned counsels for the parties had no objection with it and submitted that the audio and video qualities are good.

....
Heard learned counsel for the parties.

The present writ petition has been filed for quashing the notices dated 07.06.2006, 13.06.2006 and 20.06.2006 (Annexures-2, 4 & 6) whereby the petitioner has been directed to remove the alleged structure, claiming to be situated on the public land, otherwise the same will be forcibly vacated within three days.

It has been submitted by learned counsel for the petitioner that it is settled principle of law that nobody can be removed from a land without following the procedure established by law.

On the other hand, learned counsel for the State has filed counter affidavit and submitted that the land in question is a Government Land.

By order dated 04.01.2021, specific question has been asked from the State to the effect that "whether Section 3, 4 & 5 of the Bihar/Jharkhand Public Land Encroachment Act has been followed or not, but till date no reply has been filed.

It appears that the State is claiming that the land in question is a Government Land and petitioner has no right over the said land and as such the possession of the petitioner is illegal.

On the other hand, petitioner has claimed ownership over the said land.

Be as it may be, without going into the merits of the claim, the notices dated 07.06.2006, 13.06.2006 and 20.06.2006 are, hereby, quashed as the same are not in accordance with law.

However, it is observed that parties are at liberty to proceed in the matter in accordance with law.

Accordingly, the present writ petition stands disposed of.

(Rajesh Kumar, J.)