

Jharkhand High Court

Bhagwan Birsa Sewa Sansthan Th vs State Of Jharkhand & Ors on 16 November, 2011

IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P (PIL) No. 3023 OF 2008

Bhagwan Birsa Sewa Sansthan Vs. State of Jharkhand & Ors.

CORAM

HON'BLE THE CHIEF JUSTICE
HON'BLE MR.JUSTICE P.P.BHATT

For the Appellant/Petitioner
For the Respondent-State
For the Respondent-NHAI

Mr.L.C.Roy
JC to Sr.S.C.I
Ms.S.Topno

Order No. 26

Dated 16th November, 2011

Learned counsel has put in appearance on behalf of the National Highways Authority of India and after seeking time fairly submitted that NOC has been granted by the National Highway Authority of India on 29th September, 2011.

However, learned counsel for the State submits that no permission has been granted but some unauthorized occupants are on the land in question and only the National Highways Authority of India can remove those unauthorized occupants from the land.

The State has filed supplementary affidavit today. Copy of the same may be given to the counsel appearing for the National Highways Authority of India, who may respond to the supplementary affidavit, stating specifically as to whether permission has been granted to the State for the land which is occupied by the encroachers and if the land in question is vested with the National Highways Authority of India, only the National Highways Authority of India is competent to remove those encroachers and the National Highways Authority of India should also show cause as to why the encroachers have not been removed till now from the land in question, which is obstructing the important project of laying pipelines of the State Government.

Copy of this order be given to the counsel for the National Highways Authority of India.

Put up this case on 30.11.2011.

(Prakash Tatia.,C.J.) (P.P.Bhatt, J.) dey