

Jharkhand High Court

Banwari Lal Agrawal vs State Of Jharkhand & Ors. on 3 February, 2011

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.C. No. 6221 of 2010

Banwari Lal Agrawal.....

Petitioners

Versus

State of Jharkhand & Ors.....

Respondents.

Coram: Hon'ble Mr. Justice R.K.Merathia

For the Petitioner

: Mr. A.K.Sahani, Advocate

For the Respondents

: JC to GA

2/03.02.2011

Mr. Sahani, learned counsel appearing for the petitioner submitted that Chas Municipality is going to construct market on the PWD Road. He further submitted that though the encroachments were removed for free flow of traffic but then the Chas Municipality is intending to construct market on the PWD Road for which permission was sought from the Executive Engineer, Road Division, PWD, Chas, Bokaro but the said permission was refused by memo no. 1139 dated 22/11/2010, (Annexure 7, 7/1), but in spite thereof Chas Municipality is going to construct the market on the road. He further submitted that the Municipality cannot construct market in front of the house of the petitioner also. He further submitted that the representation was made to the Deputy Commissioner, but the petitioner has not received any order passed by him.

Mr. Sarvender Kumar, learned counsel for the State submits that in absence of the instructions/counter affidavit, he is not in a position to accept or controvert the statements made in the writ petition.

In the circumstances, I am inclined to remit the matter back to the Deputy Commissioner, Bokaro, and, therefore, this writ petition is being disposed of in absence of Chas Municipality.

The petitioner is permitted to make a fresh representation before the Deputy Commissioner, Bokaro (Respondent No. 2), who will pass a reasoned order on the same after giving opportunity of hearing to the petitioner as well as Chas Municipality and PWD Road Division, Bokaro, in accordance with law as early as possible and preferably within four weeks from the date of receipt of such representation.

It is made clear that this Court has not gone into the merits of the cases of the respective parties.

With these observations and directions, this writ petition stands disposed of.

(R.K.Merathia, J) Mukund/□