

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 7235 of 2017

Shashi Kanth Ojha, son of Sri Krdar Nath Ojha, behind United Bank, Ward No.3, resident of Village Okni, P.O.-Hazaribagh, P.S.-Sadar, Dist-Hazaribagh, Jharkhand

.... Petitioner

Versus

1. State of Jharkhand
2. Deputy Commissioner, Hazaribagh, P.O. & P.S. & Dist.-Hazaribagh
3. Khas Mahal Officer, Hazaribagh, P.O. & P.S. & Dist.-Hazaribagh

.... Respondents

With

W.P. (C) No. 6186 of 2017

1. Kuldeep Rana, son of Jivan Lal Rana
2. Arjun Rana, son of Ramdeo Rana
3. Ashutosh Pandey, son of Radhey Pandey
4. Vibha Choudhary wife of Uday Kant Choudhary
5. Kalo Devi wife of Kedar Mehta
6. Premlal Ram son of Udhi Baitha
7. Nitu Kumari wife of Sanjeev Kumar Sinha
8. Lakhan Prasad son of Ram Chandra Mahto
9. Pradeep Kumar Mehta @ Pradeep Pd. Mehta, son of Harihar Prasad Mahto
10. Arjun Kumar Verma son of Dhanu Mahto
11. Santosh Kumar @ Muna Kuswaha son of Budhan Mahto
12. Shashi Mehta, son of Rajkumar Mahto
13. Bhuneswar Mehta son of Ganduri Mahto
14. Rajendra Kuswaha son of Deo Narayan Mehta
15. Nawal Kishore Singh son of Sadhu Singh
16. Santosh Kumar Gupta son of Girdhari Sao

17. Hulash Prasad Kuswaha son of Raghunath Mahto

18. Anil Mehta son of Saryu Mahto

19. Ganesh Kumar Mehta son of Obinath Mahto

All are residents of Village-Nura, P.O. & P.S. & Dist.-Hazaribagh, Jharkhand

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Petitioners

Versus

1. State of Jharkhand

2. Deputy Commissioner, Hazaribagh, P.O. & P.S. & Dist.-Hazaribagh

3. Khas Mahal Officer, Hazaribagh, P.O. & P.S. & Dist.-Hazaribagh

....

Respondents

With

W.P. (C) No. 7292 of 2017

1. Anil Kumar Mehta, son of Ram Prakash Mehta

2. Dayanand Mehta, son of Fagu Mahto

3. Horil Prasad Singh, son of Rami Prasad Singh

4. Laleshwar Yadav son of Kali Mahto

5. Gayatri Devi, wife of Rameshwar Mahto

6. Putul Devi, wife of late Ashok Pd. Keshri

7. Basanti Rama, wife of Krishna Rana

8. Chotan Rana, son of late Barhar Rana

9. Sabana Parween, wife of Md. Meesar

10. Basanti Devi, wife of Ashok Kumar Mehta

11. Birju Mehta, son of late Chedi Mahto

12. Hulash Pd. Mehta, son of late Sewa Mahto

13. Awadh Kr. Bharti, son of late Brij Kishore Mehta

14. Rameshwar Mahto, son of late Manu Mahto

15. Baleshwar Pd. Mehta, son of late Gulab Mahto

16. Sangeeta Devi, wife of Shankar Prasad

17. Alka Devi, wife of Rajesh Prasad Chourisiya

18. Sahin, wife of Md. Jamiruddin
19. Sahida Khatoon, wife of Jamaluddin
20. Gandori Mahto, son of late Pati Mahto
21. Jamni Devi, wife of Keshar Soni
22. Krishna Kumar Verma, son of Mahabir Mahto
23. Surendra Prasad Mahto, son of Gulab Mahto
24. Bholi Devi, wife of late Nageshwar Pd. Mehta
25. Raukmani Devi, wife of Bangali Yadav
26. Mahadev Yadav, son of Titu Yadav
27. Tilak Gope, son of late Bhola Gope
28. Chinta Devi, wife of Shankar Prasad Chourisia
29. Jayantin Devi, wife of Mahesh Prasad
30. Jai Prakash Pandey, son of late Brij Lal Pandey
31. Sita Devi, wife of Ram Bilash Ram
32. Urmila Devi, wife of Laxman Mahto
33. Rajdev Ram Dangi, son of Ganpati Mahto

All are residents of Village-Noora, P.O.- Noora, P.S.-Sadar, Dist.-
Hazaribagh (Jharkhand)

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Petitioners

Versus

1. State of Jharkhand
2. The Deputy Commissioner, Hazaribagh, P.O. & P.S. & Dist.-
Hazaribagh
3. Khas Mahal Officer, Hazaribagh, P.O. & P.S. & Dist.-Hazaribagh

....

Respondents

With

W.P. (C) No. 7459 of 2017

1. Sheo Suman Saurav Singh, son of late Raj Kumar Singh
2. Awadesh Kumar Singh
3. Devanti Devi, wife of late Raj Kumar Singh
4. Usha Devi, wife of Dhirendra Bhagat

5. Ajay Kumar Shaw, son of Dhaneshwar Shaw
6. Purnima Devi, wife of late Arjun Ram
7. Sarita Devi, wife of Ajay Kumar Saw
8. Dhandeshwar Saw, son of late Bikhan Saw
9. Bijay Kumar Singh, son of late Mulidi Singh

All are residents of Village-Okni, P.O.- Hazaribagh, P.S.-Sadar & Dist.-Hazaribagh, Jharkhand

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Petitioners

Versus

1. State of Jharkhand
2. Deputy Commissioner, Hazaribagh, P.O. & P.S. & Dist.-Hazaribagh
3. Khas Mahal Officer, Hazaribagh, P.O. & P.S. & Dist.-Hazaribagh

....

Respondents

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners
For the Respondents

.....
: Ms. Chandana Kumari, Advocate
: Mr. Praveen Akhauri, SC Mines I
: Mr. Sharabnil Ahmed, AC to SC Mines I
: Mr. A.K. Geasen, AC to AAG IA
: Mr. Anup Kr. Agrawal, AC to GA IV

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By the Court:-

1. Heard the parties.
2. The Writ Petition Nos. 7235 of 2017, 7292 of 2017 and 7459 of 2017 have been filed with a prayer to set aside the press release dated 01.12.2017 published in the newspaper whereby and where under, the respondent no.3 directed the petitioners to vacate the land allegedly encroached by them.

3. It is submitted by the learned counsel for the petitioners drawing attention of this Court to Clause 4 (ii) of the Government Resolution No.7/Kha Ma (Vivid)-313/14/239/Ra dated 29.03.2016 that as per the same, in case a lessee is not using the leased land for its own use and it is proved that the leased land is utilized by any second person or any structure has been constructed thereon then after hearing the version of the lessee within a maximum period of 90 days and in case of being not satisfied, lease settlement of the earlier lessee shall be cancelled and the lease settlement will be made on the present person in possession after taking 10% surcharge and a fresh lease settlement will be made. It is next submitted by the learned counsel for the petitioners drawing attention of this Court to Annexure -4 of W.P. (C) No.7235 of 2017 that though a representation dated 02.06.2005 has been made with the aforesaid prayer but the respondent no.3 is sitting over the matter and is not disposing of the same.
4. So far as W.P. (C) No. 7459 of 2017 is concerned, it is submitted by the learned counsel for the petitioners that nine petitioners of the said writ petition filed nine separate representations to the aforesaid effect which has been kept at Annexure-9 series and the respondent no.3 is sitting over the matter and is not disposing of the same.
5. So far as W.P. (C) No. 7292 of 2017 is concerned, it is submitted by the learned counsel for the petitioners that in these writ petitions, the petitioners submitted that the petitioners will file a

fresh application before the respondent no.3- Khas Mahal Officer, Hazaribagh with a prayer to issue fresh lease of land.

6. So far as fact of W.P. (C) No.6186 of 2017 is concerned, it is submitted by the learned counsel for the petitioners drawing attention of this Court to Annexure-6 and 6/1 of the said writ petition which are the copy of the notices issued by the respondent no.3 for vacating the lands in question and to remove the construction made thereon and also drawing attention of this Court to Annexure-7; that the petitioner no.6 has only submitted a representation on 22.10.2017.
7. It is further submitted by the learned counsel for the petitioners that the petitioners abandon their original prayer in the writ petition and modifies their prayer and submit that they will file a fresh representation before the respondent no.3 for issue of fresh lease of the lands in terms of the resolution No.7/Kha Ma (Vivid)-313/14/239/Ra dated 29.03.2016 and the respondent no.3 be directed to consider the same within a reasonable time.
8. Learned counsel for the respondent no.3 has no serious objection.
9. Considering the aforesaid facts, all these writ petitions are disposed of with a liberty to the petitioners to file a fresh representation for issue of fresh lease of the lands in terms of the resolution No.7/Kha Ma (Vivid)-313/14/239/Ra dated 29.03.2016 and in case, such a representation is submitted to the respondent no.3, the respondent no.3 is directed to consider the same and

pass a reasoned and speaking order, in respect of the same, within eight weeks from the date of submission of such representations by the petitioners.

10. All the writ petitions are disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 25th June, 2024
AFR/Sonu-Gunjan/-