

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 157 of 2020

Bharat Engineering & Body Building Co. Pvt. Ltd., Bistupur,
Jamshedpur through its authorized representative... Petitioner

Versus

1. The State of Jharkhand
2. The Sub-Divisional Magistrate-cum-House Rent Controller,
Dhalbhum, Jamshedpur
3. Jamshedpur Notified Area Committee, Bistupur, Jhamshedpur
through its Special Officer
4. M/s Tatanagar Construction Private Limited, Bistupur, Jamshedpur
through its Director Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. P.A.S. Pati, Advocate
For the Respondent Nos. 1 & 2: Mr. Sameer Sahay, AC to AG
For the Respondent No. 3 : Mr. Amrendra Kumar, Advocate

I.A. No. 979 of 2020

04/04.02.2020 Reference may be made to order dated 29.01.2020, whereby at the request of the learned counsel for the petitioner, the case was adjourned for one week. However, in the meantime, I.A. No. 979 of 2020 was filed on behalf of the petitioner for recalling the order dated 29.01.2020 passed by this Court and to fix an early date for taking up the case under appropriate heading.

The present interlocutory application has been listed today on the motion made by the learned counsel for the petitioner by way of mentioning slip.

Having heard the learned counsel for the petitioner and the State as well as the respondent no. 3 and keeping in view the urgency shown by the petitioner, the present case is being taken up today.

I.A. No. 979 of 2020 stands disposed of.

I.A. No. 789 of 2020

The present interlocutory application has been filed on behalf of the petitioner seeking certain amendment by adding further prayers and statements as proposed in paragraph-5 of the present interlocutory application. The petitioner has also prayed for staying the further proceeding of HRC Case No. 68/2019 and to direct the respondent no. 4 – M/s Tatanagar Construction Private Limited,

Bistupur, Jamshedpur to maintain status-quo and not to carry out demolition/construction work of the building in question.

Heard the learned counsel for the parties and perused the contents of the writ petition as well as the present interlocutory application.

The prayers and statements sought to be added by the petitioner in the writ petition by way of present interlocutory application being subsequent development and related to the issue raised in the writ petition, are allowed.

The learned counsel for the petitioner prays for and is allowed two weeks' time to file amended writ petition.

So far as the interim prayer of the petitioner made in the present interlocutory application for staying further proceeding of HRC Case No. 68/2019 pending before the respondent no. 2 – the Sub-Divisional Magistrate-cum-House Rent Controller, Dhalbhum, Jamshedpur is concerned, I have gone through the order dated 18.01.2020 passed by the respondent no. 2 and on perusal of the same, it appears that the respondent no. 4 – M/s Tatanagar Construction Private Limited, Bistupur, Jamshedpur (the owner of the building) has been directed to take care of the fact that the security of the bank situated at 1st Floor of the building should not be affected by any repair/construction/renovation work to be done by the respondent no. 4. It has also been directed by the respondent no. 2 that by reasons of the said work, if any damage is caused to the shop/commercial office or any article of the 2nd party nos. 1 to 9, the respondent no. 4 shall be liable for payment of damages to them. The respondent no. 2 vide said order dated 18.01.2020 has also given liberty to the 2nd party nos. 1 to 9 to file suitable application against the respondent no. 4 for payment of damages, if situation so arises.

Moreover, the respondent no. 2 while passing the order dated 18.01.2020, has considered the report submitted by the Executive Engineer, Building Division, Jamshedpur regarding condition of the building and also the report submitted under Section 32 of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 as well as no objection submitted by the Special Officer, Jamshedpur

Notified Area Committee. Thus, I am not inclined to stay the further proceeding of HRC Case No. 68/2019.

I.A. No. 789 of 2020 stands dismissed.

W.P.(C) No. 157 of 2020

Issue notice to the respondents.

Mr. Sameer Sahay, AC to AG, appears and waives notice on behalf of the respondent nos. 1 and 2.

Mr. Amrendra Kumar, Advocate, appears and waives notice on behalf of the respondent no. 3.

The learned counsel for the respondent nos. 1 and 2 as well as the respondent no. 3 pray for and are allowed four weeks' time to seek instruction and file respective counter affidavits.

Issue notice to the respondent no. 4 under registered cover with A/D as well as by ordinary process for which requisites etc. must be filed within one week.

Notice is made returnable after four weeks.

(Rajesh Shankar, J.)

Manish