

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

W.P.(C) No. 180 of 2020

Rajendra Mandal & Others ..... Petitioners

Versus

The State of Jharkhand & Others ..... Respondents

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**CORAM**

**HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioners:

Mr. Rohit Roy

For Respondent Nos. 1 & 2:

Mr. P. A. S. Pati, S.C-IV

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04/03.12.2020 The case is taken up through Video Conferencing.

At the request of learned counsel for the petitioner, the remaining defect pointed out by the office is ignored for the present.

**I.A. No. 5262/2020**

Learned counsel while pressing I.A. No. 5262/2020 has confined the prayer made therein to the extent of staying the effect and implementation of the impugned order dated 15.10.2019 passed by the learned Commissioner, Santhal Pargana Division, Dumka, during the pendency of the present writ petition.

Learned counsel for the petitioner while assailing the impugned order dated 15.10.2019 passed by the learned Commissioner, Santhal Pargana Division, Dumka in R.M.R No. 51/2007-08, submits that though the learned Commissioner has made observation in the said order in favour of the petitioner, yet without recording any contrary reason, has set aside the order dated 23.02.2007 passed by the Charge Officer, Dumka in T. L. Case No. 24/95 with a direction to evict the petitioners from Plot No. 80 of Mouza-Sankari with respect to J.B No. 13. It is further submitted that the orders passed in Title Suit No. 128/1960 instituted in the Court of the Sub-Judge, Deoghar by the ancestors of the respondent Nos. 4 to 11 against the ancestors of the petitioners and the proforma respondent Nos. 12 to 49 as well as in Mutation Case No. 257/1974-75 instituted before the Circle Officer, Deoghar have not been challenged by the respondent Nos. 4 to 11 or their ancestors before any higher Court of law and therefore doubting the execution of Kurfanama and

reclamation of the land in question is completely uncalled for. The petitioners/their ancestors have been in possession of the said land since 1937. They have the threat of eviction from the land in question in pursuance of the impugned order dated 15.10.2019 passed by the learned Commissioner, Santhal Pargana Division, Dumka.

Heard leaned counsel for the parties.

Notice.

Mr. P. A. S. Pati, learned S.C-IV, appears and waives notice on behalf of the respondent Nos. 1 & 2.

Issue notice to the respondent Nos. 4 to 11, who are the contesting respondents, by Registered Post with A/D as well as by ordinary process for which requisites etc. must be filed within one week.

Since the respondent Nos. 12 to 49 are the proforma respondents, no notice is being issued to them for the present.

Notice is made returnable after six weeks.

In the meantime, the effect and implementation of the impugned order dated 15.10.2019 passed by the learned Commissioner, Santhal Pargana Division, Dumka in R.M.R No. 51/2007-08 shall remain stayed.

The present interlocutory application stands disposed of.

**I.A. No. 5261/2020**

Mr. Rohit Roy, learned counsel for the petitioners, does not press the present interlocutory application

The present interlocutory application is accordingly dismissed as not pressed.