

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 248 of 2023

Swati Enterprises, Office at Garke, P.O. Rajaulatu, P.S. Namkum, Ranchi-10, through its Partner Mrs. Krishna Bathwal

... .. **Petitioner**

Versus

The Presiding Officer cum Minister Scheduled Tribe Scheduled Case Backward Classes Welfare Department, Jharkhand and Anr.

... .. **Respondents**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Anil Kumar Sinha, Sr. Advocate

For the Respondents : A.C. to A.A.G.-II

04/23.06.2023 It has been submitted by Mr. Anil Kumar Sinha, learned Senior Counsel for the petitioner that on 28.04.1989 the Deputy Commissioner had permitted in terms of Section 49 (1) of the CNT Act the proposed sale of 5.92 acres of Plot No. 335 and 360, Khata No. 45 situated at village Garke under Namkum Anchal at a price of Rs. 25,000/- per acre.

Consequent to the permission so granted a sale deed was executed between the original raiyats and the petitioner on 16.08.1989 which was subsequently registered on 16.11.1989 and the mutation was also done in favour of the petitioner. It has further been submitted that subsequently a case was instituted by the respondent no. 2 who claims to be the heirs of the original raiyats u/s 49 (5) of the CNT Act being Misc. Case No. 02/2020-21 before the respondent no. 1 though a parallel proceeding is already going on between the petitioner and the respondent no. 2 before the learned Sub Judge-II, Civil Court, Ranchi in L.A Case No. 05/2019.

Issue notice to the respondent no. 2 as to why this application shall not be admitted and/or disposed of at the admission stage itself, for which, requisite etc. under registered cover with A/D as well as under ordinary process be filed within a week.

Let this matter be listed on 17.08.2023. In the meantime, learned A.C. to A.A.G.-II shall also respond to the

averments made in the writ application within the aforesaid period.

Until further orders, proceedings in connection with Miscellaneous Case No. 2 of 2020-21, pending in the court of learned Sub Judge-II, Civil Court, Ranchi shall remain stayed.

I.A. No. 594 of 2023 stands disposed of.

(Rongon Mukhopadhyay, J.)

Alok/-