

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1019 of 2023

1. Chakku Mandal

2. Kat Kunia Mandal ... Petitioners

Versus

The State of Jharkhand and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioners : Ms. Rajarshi Singh, Advocate

For the State : Mr. Devesh Krishna, SC Mines-III

Order No. 04

Dated 15th September, 2023

I.A. No. 7554 of 2023

This application has been filed to waive the requirement of filing of certified copy of the order dated 22.04.2010 as it has been submitted that an application has been made for the certified copy of the said order but the same has not been made available to the petitioners. However, a photo copy of the order 22.04.2010 has been brought on record.

In such view of the matter, therefore, the defect No. 2, as pointed out by the office is ignored. So far as the rest defects are concerned, the same are also ignored.

I.A. No. 7554 of 2023 stands disposed of.

W.P.(C) No. 1019 of 2023

It has been submitted by the learned counsel for the petitioners that earlier the litigation concerning the land in question, the same was settled in favour of the father of the petitioners, namely, Mathura Mandal. However, the Settlement Officer subsequently vide order dated 22.04.2010 had exceeded his jurisdiction and set aside the order passed by the Assistant Settlement Officer, Dumka without any reason against which the petitioner had moved before the Commissioner in appeal which however was dismissed on 30.05.2022. Learned counsel therefore submits that once the land has been settled in favour of the father of the petitioners and prior to the same the land was settled in favour of the grandfather of the petitioner, subsequent orders passed by the Settlement Officer as well as by the Commissioner do not seem to have considered the aforesaid aspects.

Issue notice to the respondents No. 4 to 13 for which requisite etc. under registered cover with A.D. as well as by ordinary process must be filed within

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a period of three weeks, failing which this application as against the concerned respondents shall stand rejected without further reference to the Bench.

In the meantime, Mr. Devesh Krishna, learned SC Mines-III shall make endeavour to file a counter affidavit.

Let this matter be listed on 09.11.2023.

Until further orders, the order dated 30.05.2022 passed by Commissioner, Santhal Pargana Division, Dumka in R.M.P. Case No. 165 of 2010-11 shall remain stayed.

(RONGON MUKHOPADHYAY,J.)

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