

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1811 of 2023

Mrs. Arati Gupta & Ors.

... .. **Petitioners**

Versus

The State of Jharkhand & Ors.

... .. **Respondents**

CORAM : SRI ANANDA SEN, J.

For the Petitioner (s) : Mrs. Debolina Sen Hirani, Advocate.
Ms. Kashyapi, Advocate.

For the Respondents : Mr. Sanjay Kumar Tiwari, SC-I
Mr. Prashant Pallav, Dy.SG.

08/26.06.2024

The report filed by the Commissioner has been perused by me and the same is kept on record along with the pen drive which contains enclosures 5 & 6.

2. It is the case of the petitioners that a portion of the construction work which the shopkeepers were undertaking on the request of the petitioners has been demolished by the State, whereas the State opposes the same and submits that they have not demolished any construction.

3. In their Supplementary Counter Affidavit, the State has stated that the shop owners have removed their *gumtees* and have demolished the construction themselves and again they have restored the *gumtees*. The State is not disputing the title of the petitioner.

4. If that be so, this Court fails to understand as to why the rent receipt could not be issued to the petitioners and further, why the petitioner will not be allowed to make constructions within the premises, which the petitioners are the owner of. Further, it is also unknown as to why the respondents are not giving permission and are not sanctioning the map for construction.

5. At this stage, learned counsel for the State submits that so far as the sanctioning of map is concerned, it is within the domain of Hazaribag Municipality.

6. The Municipal Corporation submits that no rent receipt can be issued in respect of the said land as the same is *Lakheraj* land and there is some temple and chhath talab.

7. Considering the aforesaid facts and circumstances, I direct the petitioners to bring on record the documents based on which the petitioners are claiming title so that the land of the petitioners can be demarcated and ascertained.

8. List this case after two weeks.

(ANANDA SEN, J.)

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