

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 1811 of 2023

1. Mrs. Arati Gupta, age approx 94 years, wife of Late Subrato Kumar Gupta, resident of Pugmill, P.O. & P.S. Sadar, District- Hazaribagh
2. Ashish Chandan, age 32 years, son of Girish Chandar Jha, resident of Nawabganj PNB Gali, P.S. Lohsinghna, Post & District- Hazaribagh
3. Kundan Saket, age 36 years, son of Girish Chandar Jha, resident of Nawabganj PNB Gali, P.S. Lohsinghna, Post & District- Hazaribagh
4. Ashish Kumar Nandi, age 48 years, son of Manoranjan Nandi, resident of Nawabganj, Jharkhand Gramin Bank Gali, P.S. Lohsinghna Sadar, Post and District- Hazaribagh
5. Binay Kumar Yadav, age 32 years, sonof Pradeep Kumar Yadav, resident of Nawabganj, Jharkhand Gramin Bank Gali, P.S. Lohsinghna Sadar, Post and District- Hazaribagh
6. Sunita Rajak, age 45 years, wife of Ashok Rajak, resident of Indrapuri, P.S. Sadar, Post and District- Hazaribagh
7. Chandan Kumar Yadav, age 51 years, son of Pradeep Kumar Yadav, resident of Nawabganj, Jharkhand Gramin Bank Gali, P.S. Lohsinghna Sadar, Post and District- Hazaribagh
8. Aditya Kumar Soni, age 51 years, sonof Rama Soni, resident of Mandai Khurd, P.S. Lohsinghna Sadar, Post Reformatory, District- Hazaribagh

... Petitioners

-Versus-

1. The State of Jharkhand
2. The Deputy Commissioner, Collectorate, P.O., P.S. & District- Hazaribagh
3. The Additional Collector, Collectorate, P.O., P.S. & District- Hazaribagh
4. The Land Reforms Deputy Collector, P.O., P.S. & District- Hazaribagh
5. The Khas Mahal Officer, Collectorate, P.O., P.S. & District- Hazaribagh
6. The Executive Magistrate, Nagar Nigam, P.O., P.S. & District- Hazaribagh
7. The Sub Divisional Officer, Sadar, Collectorate, P.O., P.S. & District- Hazaribagh
8. The Superintendent of Police, Collectorate, P.O., P.S. & District- Hazaribagh
9. The Deputy Superintendent of Police, Collectorate, P.O., P.S. & District- Hazaribagh
10. The Municipal Commissioner, Nagar Nigam, P.O., P.S. & District- Hazaribagh
11. The Deputy Municipal Commissioner, Nagar Nigam, P.O., P.S. & District- Hazaribagh
12. Sreelata Majumdar, daughter of Mrs. Arati Gupta, resident of Pagmill, P.O. & P.S. Sadar, District- Hazaribagh presently residing at B-301, Shreeji Plaza, Plot No.24, Sector 25, Nerul, Navi Mumbai
13. Sreemati Sen, daughter of Mrs. Arati Gupta, resident of Pagmill, P.O. & P.S. Sadar, District- Hazaribagh presently residing at A1202, Great

Easter Gardens, LBS Marg, Kanjurmarg West, Mumbai

... **Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mrs. Debolina Sen Hirani, Advocate
Ms. Kashyapi, Advocate
For the State : Mr. Sanjay Kumar Tiwari, S.C.-I
Mr. Mihir Kunal Ekka, A.C. to S.C.-I
For Municipal Corporation : Mr. Ranjit Kumar, Advocate
For Respondent Nos. 12 & 13 : Mr. Saurabh Swarup, Advocate

09/22.07.2024 Learned counsel for the Hazaribagh Municipal Corporation submits that supplementary affidavit filed by the petitioners has not been served upon him.

2. Learned counsel for the petitioners undertakes to serve the same, in course of the day.

3. I.A. No.7144 of 2024 has been filed for adding private respondents whose shops had been removed in encroachment proceeding and their shops were again set up on the land of the petitioners. She submits that those respondents were also parties in C.W.J.C. No.3741 of 1993(R). She further submits that in view of the last order of Coordinate Bench of this Court, documents have been brought on record by way of filing supplementary affidavit. She submits that in paragraph 5 of the said I.A., the names of private respondents are disclosed.

4. Learned counsel for the State and Municipal Corporation are opposing the prayer on the ground that they are having separate cause of action.

5. Considering that this petition is still pending and the names disclosed in paragraph 5 of the said I.A, the persons were also parties in the said writ

petition and to avoid multiplicity of litigation, the prayer in the I.A. is allowed.

6. Accordingly, I.A. No.7144 of 2024 is disposed of.

7. Learned counsel for the petitioners will array Mrs. Babita Sinha and Mrs. Ranju Sinha as respondent nos. 14 and 15 in this petition, in course of the day.

8. Issue notice upon newly added respondent nos. 14 and 15 by ordinary process as well as registered post with A/D, for which, requisites etc. must be filed within a week.

9. Learned counsel for the petitioners submits that I.A. No.7136 of 2024 has been filed for maintaining *status quo* on the land of the petitioners. She submits that vide order dated 18.09.2023, *status quo* order was passed, which was later on continued vide order dated 19.02.2024 and in spite of that, furthers shops have been demolished by Hazaribagh Municipal Corporation.

10. Learned counsel for Hazaribagh Municipal Corporation opposes the said prayer on the ground that Municipal Corporation has not done so.

11. In view of the above, issue notice in I.A. No.7136 of 2024 upon the State as well as Hazaribagh Municipal Corporation.

12. Mr. Saurabh Swarup, learned counsel submits that he is representing respondent nos. 12 and 13, who are proforma respondents.

13. In view of the above and considering that *status quo* order was there and earlier writ petition was disposed of in favour of the petitioners and, thereafter, all these happenings have been done that too *status quo* order

was operative and the matter is still pending before this Court, as such, the parties shall maintain *status quo* on the land in question, till the next date.

14. Let this matter appear on 27.08.2024.

(Sanjay Kumar Dwivedi, J.)

Ajay/