

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Writ Jurisdiction]

W. P. (C) No. 7067 of 2005

Charusila Trust, Deoghar Petitioner(s)
Versus
The State of Jharkhand & Ors. Respondent(s)
With

W. P. (C) No. 3637 of 2005

Sri Sri Balananda Trust, Deoghar Petitioner(s)
Versus
The State of Jharkhand & Ors. Respondent(s)

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CORAM : HON'BLE MR. JUSTICE KAILASH PRASAD DEO

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For the Petitioner(s) : Mr. Rohit Roy, Advocate.
For the Resp./State : Mr. P.C. Roy, S.C. (L&C)-I
For the JRHDNP : Mr. Amit Sinha, Advocate.
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17 / 29.11.2021. Heard, learned counsel for the parties.

Mr. Rohit Roy, learned counsel appearing for the petitioner(s) has submitted that the order dated 27.10.2021 passed by this Hon'ble Court has not been complied with.

Mr. Rohit Roy, learned counsel appearing for the petitioner(s) has further submitted that earlier on 27.10.2021, this Hon'ble Court has directed the respondents-State to file supplementary counter-affidavit in compliance of the order dated 15.09.2021 as the statement of fact has been handed-over to the learned counsel for the State, Mr. P.C. Roy, learned S.C. (L&C)-I, but without appending the Annexure which are being referred in the statement of fact.

This fact has also been brought to the notice of the learned Advocate General, but nothing has been done in this regard as it has been stated by the learned counsel for the State. The said order dated 27.10.2021 has also been communicated to the office of learned Advocate General as well as the Chief Secretary, Government of Jharkhand, Ranchi, but till date the order has not been complied with.

Mr. P.C. Roy, learned S.C. (L&C)-I appearing for the State has submitted that he has received a letter under reference No.1373, Ranchi dated 23.09.2021 issued by the Under Secretary to the Deputy Commissioner, Deoghar to file statement of fact giving it a topmost priority, but nothing has been done.

Mr. P. C. Roy, learned S.C. (L&C)-I appearing for the State has however, prayed for four weeks' time to file supplementary counter-affidavit in this matter.

This shows callous attitude of the State as the cases are pending since the year 2005.

Considering the same, this Court directs the Chief Secretary, Government of Jharkhand, Ranchi to initiate a departmental proceeding/enquiry against the erring officer(s) as the Writ Petitions are of the year 2005 and are not being disposed of because of the non co-operation on the part of the State and disobedience of the Court's order.

It is made clear that if the supplementary counter-affidavit is not filed within a period of four weeks from today, the State of Jharkhand shall be debarred from filing supplementary counter-affidavit unless and until the State pays Rs.50,000/- as cost in each Writ Petition.

It is also made clear that out of Rs.50,000/- in each Writ Petition, Rs. 25,000/- shall be given to the petitioner(s) and rest Rs.25,000/- shall be deposited in the account of the Jharkhand High Court Legal Services Committee, Ranchi.

This amount of Rs.50,000/- which will be imposed as cost to the State in each Writ Petition, the same shall be recovered from the erring officer(s) under due process of law within a period of three months and the compliance report must be submitted to this Court.

If the said amount is recovered from the erring officer, the same shall be recorded in the service record of the concerned erring officer(s).

Let both the cases appear after four weeks.

Let a copy of this order be communicated through Fax to the Chief Secretary, Government of Jharkhand, Ranchi and the Additional Chief Secretary, Revenue, Registration and Land Reforms, Government of Jharkhand, Ranchi and Deputy Commissioner, Deoghar as well as in the office of Advocate General, State of Jharkhand, Ranchi at once.

(Kailash Prasad Deo, J.)

Sandeep/