

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P.(C) No. 1791 of 2010

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Dr. (Smt.) Shashi Lal **Petitioner**
Versus
Jharkhand State Housing Board & Others **Respondents**
WITH
W.P.(C) No. 2099 of 2008

.....
Rajendra Ram **Petitioner**
Versus
The State of Jharkhand & Others **Respondents**

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

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For the Petitioner : Mr. Ankit Kumar, Advocate
[In W.P. (C) No. 1791/2010]
For the Respondents/ State : Mr. Achyut Keshav, G.P.-I
[In both the cases].
For the Respondents/JSHB : Mr. Sachin Kumar, Advocate.
[In both the cases].
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13/21.03.2022.

It is unfortunate for the High Court of Jharkhand, Ranchi, where the officers of the State are not complying the orders passed by this Court.

This Court in terms of order dated 25.10.2021 passed in W.P. (C) No. 2099/2008 has asked the Managing Director, Jharkhand State Housing Board to file a detail supplementary counter-affidavit pursuant to order dated 25.04.2019 and 01.08.2019 passed by Coordinate Bench of this Court regarding steps taken by the Jharkhand State Housing Board for removal of encroachments with respect to Plots / Houses / Flats of the Jharkhand State Housing Board. The detail statement be separately filed by way of supplementary counter-affidavit by the Managing Director, Jharkhand State Housing Board with regard to date of initiation of proceeding, stage of proceeding and reasons for not taking proper steps in removal of the encroached area.

Pursuant thereto, an affidavit on behalf of the respondent – Managing Director, Jharkhand State Housing Board has been filed on 27.11.2021 by one George Kumar, son of James Kumar, being the Secretary, Jharkhand State Housing Board without leave of this Court, who is admittedly not the Managing Director, Jharkhand State

Housing Board, with certain documents appended in the counter affidavit with regard to cases pending, but not with regard to the query made by this Court as mentioned above.

This Court in terms of order dated 22.11.2021 has taken note of the aforesaid supplementary counter-affidavit dated 27.11.2021, which reads as follows:-

“It further appears that despite specific direction given by this Court on 25.10.2021, supplementary counter-affidavit filed on behalf of Jharkhand State Housing Board has not been sworn by the Managing Director, Jharkhand State Housing Board.

Under the aforesaid circumstances, learned counsel for the Jharkhand State Housing Board is directed to file fresh supplementary counter-affidavit duly sworn by Managing Director, Jharkhand State Housing Board explaining the reason for non-compliance of order dated 25.10.2021 in letter and spirit.”

Subsequently, the matter was taken up before this Court on 24.11.2021, when learned counsel for the Jharkhand State Housing Board, Mr. Sachin Kumar has submitted that in the present case (W.P. (C) No. 2099/2008 parties have proceeded into the matter and all the formalities regarding execution have been done, but registration has not been done, which shall be done within a period of 07 days and the matter was directed to be listed in the 2nd Week of December, 2021.

Thereafter, on 01.12.2021, supplementary counter affidavit has been filed by Mr. Amit Kumar, son of Uma Shankar Prasad, the Managing Director, Jharkhand State Housing Board, annexing the same documents, which have been filed in Supplementary counter-affidavit dated 27.11.2021, again without proper compliance with regard to date of initiation of proceeding, stage of proceeding and reason for not taking proper steps in removal of the encroached area.

Thereafter, in terms of order dated 15.12.2021, this Court has directed the Jharkhand State Housing Board to serve copy of

supplementary counter-affidavit dated 27.11.2021, (wherein list with regard to encroachment has been brought on record as Annexure-SCA/1), upon learned counsel for the State, Mr. Achyut Keshav, G.P.-I, so as to give response of the Principal Secretary, Urban Development, Government of Jharkhand with due approval of the Chief Secretary, Government of Jharkhand as well as the concerned Deputy Commissioners. The State Counsel was also directed to file separate affidavits of the concerned Deputy Commissioners, such as Deputy Commissioners, Ranchi / Dhanbad / Seraikella – Kharsawan / Palamau and Hazaribag, where the lands of Jharkhand State Housing Board are situated.

Thereafter, the matter was again listed before this Court on 04.02.2022, when this Court has granted two weeks' time to comply the order and bring subsequent development taken in this regard on record, subsequent to the order dated 15.12.2021 by the State of Jharkhand as well as the Jharkhand State Housing Board.

Today, the order dated 25.10.2021 has been placed before the learned counsel for the Jharkhand State Housing Board, Mr. Sachin Kumar and this Court specifically asked Mr. Sachin Kumar, whether order dated 25.10.2021 has been complied by the Jharkhand State Housing Board or not ?

In reply, learned counsel for the Jharkhand State Housing Board, Mr. Sachin Kumar has submitted that date of initiation of proceeding has not been given, but the year of encroachment drive has been given.

Learned counsel for the Jharkhand State Housing Board, Mr. Sachin Kumar after perusing the record has further submitted that with regard to pendency, nothing has been whispered, but encroachment drives are taken in Dhanbad and other Districts.

Learned counsel for the Jharkhand State Housing Board has further submitted that Deputy Commissioner, Palamau has informed him that no matter is pending in his district.

Considering the same, this Court is displeased with the conduct of Mr. Amit Kumar, Managing Director, Jharkhand State

Housing Board and Mr. George Kumar, Secretary, Jharkhand State Housing Board along with Estate Officers, who have no care for the Government Buildings / property.

It appears that the Estate Officer and the Secretary, Jharkhand State Housing Board are not properly assisting the Managing Director, Mr. Amit Kumar and thus, initially, Mr. George Kumar, being the Secretary has filed such supplementary counter-affidavit without leave of the Court on behalf of the Managing Director.

It also appears to this Court, that the estate properties are being allowed to be encroached by the Encroachers and the Estate Officer of Jharkhand State Housing Board is not taking any interest as it is not their personal property.

It has been submitted to the Court that these two officers, Secretary, Mr. George Kumar and Estate Officer are not the permanent employee of Jharkhand State Housing Board, rather they are on deputation from different services.

Under the aforesaid circumstances, this Court has reason to believe that the Managing Director, Jharkhand State Housing Board lacks proper control over the officials continuing since long on deputation and because of such act, Jharkhand State Housing Board has put themselves in such a position, where the judicial orders are not being complied in pursuant to the orders passed by the Coordinate Bench of this Court on 25.04.2019 and 01.08.2019.

The Principal Secretary, Department of Urban Development, Government of Jharkhand is directed to file an affidavit before this Court in person, what is the rule of deputation in Jharkhand State Housing Board, how many years a officer can be posted on deputation in Jharkhand State Housing Board in one stretch and in different stretch, in total number of years.

However, this Court shows displeasure towards the conduct of the Managing Director, Mr. Amit Kumar and gives him an opportunity with a direction to file details of all the Encroachment Case with date of initiation, Court in which it is pending, stage of pendency and expected time for removal of encroachment from properties of Jharkhand State Housing Board.

Under the aforesaid circumstances, this Court is exercising its extra-ordinary power in compelling circumstances to make the things proper by putting Mr. George Kumar, Secretary, Jharkhand State Housing Board and the Estate Officer, Jharkhand State Housing Board under suspension with immediate effect and a proceeding be initiated in accordance with law.

This Court also directs the Cabinet Vigilance, Ranchi to enquire into the accumulated assets in their name as well as family members, relatives, dependents and friends of the Secretary, Mr. George Kumar and the Estate Officers posted in the Jharkhand State Housing Board from 15.11.2000 till date and also the assets of all the Executive Engineers, who have been posted in the Jharkhand State Housing Board since 15.11.2000 till the year 2008, and if it requires, their accumulated assets can be enquired from the date of their joining in the services till the date.

The required report with respect to assets of aforesaid officers must be submitted before this Court by the Cabinet Vigilance, Ranchi within a period of six weeks from today in sealed cover.

Let the matters appear before this Court after six weeks.

In the meantime, learned counsel for the State, Mr. Achyut Keshav, G.P.-I is directed to file affidavits from all the Deputy Commissioners, that how many encroachments have been removed from the properties of the Jharkhand State Housing Board situated in their districts, what are the impediments that are come before them in removing the encroachment.

Let a copy of this order be also communicated to the Chief Secretary, Government of Jharkhand, Principal Secretary, Department of Finance, Government of Jharkhand, Principal Secretary, Urban Development, Government of Jharkhand, Cabinet Vigilance, Ranchi as well as Managing Director, Jharkhand State Housing Board in course of the day through 'FAX'.

Put up this case on 09th May, 2022.

(Kailash Prasad Deo, J.)