

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No.2396 of 2020**

Shri Prashant Kumar Petitioner.
-Versus-
Adityapur Municipal Corporation, Adityapur. Respondent.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Prashant Pallav, Advocate
For the Respondent : Mr. Ranjan Kumar Singh, Advocate

Order No.05

Date: 18.02.2021

This case is taken up through video conferencing.

The present writ petition has been filed for quashing the notice as contained in memo no.1929 dated 31st July, 2020 (Annexure-2 to the writ petition) issued by the Municipal Commissioner, Municipal Corporation, Adityapur.

Learned counsel for petitioner, while assailing the impugned notice dated 31st July, 2020, submits that the same has been issued in colourable exercise of power as the content of the said notice would itself suggest the fact that it has not been issued in violation of Section 319 (2) of the Jharkhand Municipal Act, 2011, rather the same has been issued with an intention to dispossess the petitioner from the land situated at Mauza- Adityapur, Khata no.245, Khesra no.167, measuring an area of 5 Kathas (hereinafter to be referred as "the said land") where the Municipal Corporation, Adityapur (the respondent no.1) wants to construct a new office building. It is further submitted that the said land has been leased to the petitioner for 30 years and before completion of the said period of lease or cancelling the same, the respondent no.1 cannot dispossess the petitioner from the said land.

Learned counsel for the parties jointly submit that a writ petition being W.P.(C) No.2300 of 2020 (Shri Ram Thakur Vs. Adityapur Municipal Corporation) is already pending adjudication before this Court.

Mr. Ranjan Kumar Singh, learned counsel for the respondent, prays for and is allowed two weeks' time to seek instructions and file counter affidavit.

-2-

In the meantime, the parties shall maintain status-quo as existing today over the said land pursuant to impugned notice as contained in memo no.1929 dated 31st July, 2020 issued by the Municipal Commissioner, Municipal Corporation, Adityapur

Sanjay/

(Rajesh Shankar, J.)