

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.) No. 360 of 2023

Vikash Chandra Tiwari @ Vikas Chandra Tiwari @ Vikas Chandra Tiwari, resident of Abadganj, Post office and police station Medini Nagar, District Palamau (Jharkhand).

..... ... Petitioner

Versus

1. That State of Jharkhand.
2. Director General of Police, Jharkhand, having its office at, P.O. & P.S. Dhurwa, District Ranchi.
3. Superintendent of Police, having its office at Medini Nagar, P.O. & P.S. Medini Nagar, District Palamau.
4. Additional Superintendent of Police, having its office at Medini Nagar, P.O. & P.S. Medini Nagar, District Palamau.
5. Officer-in-charge, Town Police Station, Medni Nagar, P.O. & P.S. Medini Nagar, District Palamau. (Jharkhand).

..... ... Respondents

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Mahesh Tewari, Advocate.
	:	Ms Neelam Kumari, Advocate.
For the State	:	Mr. Shashank Shekhar, A.C. to A.A.G.-V.

06/ 19.09.2024 Learned counsel appearing for the petitioner shall array the Deputy Commissioner, Palamau, District Sub-Registrar, Palamau, Circle Officer, Medininagar, Palamau and Vishal Kumar Shukla, as party respondent Nos. 6, 7, 8 and 9 respectively in course of the day.

2. Reference may be made to the order dated 01.08.2024:-

“This matter was listed at Serial No. 32 in the Daily Cause List and at 02.15 P.M., the matter was mentioned by the learned counsel appearing for the petitioner pointing out that during the pendency of the writ petition, the accused persons have again threatened the petitioner and his family members with dire consequence that is how, this matter is taken up out of turn.

2. Learned counsel appearing for the petitioner submits that the Deputy Commissioner, Palamau has constituted a four men committee with regard to the conduct of Vishal Kumar Shukla and the said four men

committee has reported against the said Vishal Kumar Shukla and his accompish, as several FIRs have been registered, on which, they were on bail. He submits that in the said report, it is further stated that at any time, any type of crime can be made by the said Shukla and it is also stated that complainant's family members life is at the stake due to act of said Vishal Kumar Shukla.

3. Learned counsel appearing for the petitioner further submits that a counter affidavit has been filed on behalf of the respondents-State, where in paras-19 and 20, it has been admitted that the petitioner has been forcefully evicted from his house and possession has been taken by said Vishal Kumar Shukla, as such, this fact clearly suggests that such a person has made havoc in the city of Medininagar in the district of Palamau.

4. The question remains that if the petitioner has been forcefully evicted at the instance of said Vishal Kumar Shukla and his accompish, in absence of any legal proceeding, why the re-possession will not be provided to the petitioner with regard to the property in question and this is the primary duty of the State to maintain the law and order. As such, respondent Nos. 2 and 3 are directed to look into the matter and apprise the court by way of filing the supplementary counter affidavit within two weeks.

5. In light of the above, the Superintendent of Police, Palamau will protect the life and property of the petitioner.

6. Let this matter appear on 22.08.2024.

7. Let a copy of this order be communicated to the respondent Nos. 2 and 3 for the needful."

3. Pursuant to the above order, the Superintendent of Police, Palamau has filed the supplementary counter affidavit, where in para-8, it has been disclosed that upon inquiry, it transpires that the said

property in dispute has already been sold by the accused person namely Vishal Kumar Shukla to one Vinay Kumar Singh, vide sale deed dated 14.09.2023 and on further inquiry, it came to the knowledge of the I.O. that the said property is also mutated in favour of the said purchaser.

4. In the earlier counter affidavit, filed on behalf of the State in paras-19 and 20, it has been admitted that the petitioner has been forcefully evicted from his house at the instance of said Vishal Kumar Shukla and his accomplices and in light of the order passed by this court on 01.08.2024 (*Supra*), direction was issued to protect the property and life of the petitioner. However, the Superintendent of Police, Palamau has filed the supplementary counter affidavit ignoring the four men committee report, which was already considered in the earlier order dated 01.08.2024.

5. It was pointed out that the Circle Officer, Medininagar as well as the District Sub-Registrar, Palamau are the part of the said committee report, however, in spite of that the District Sub-Registrar has registered the sale deed and the Circle Officer has mutated the said land in favour of the purchaser. It was further pointed out that the police is connived with said Vishal Kumar Shukla and even for the cases in the nature of Section 395 IPC, lesser Sections are being imposed by the police, as a result of which, the said Shukla has been provided the privilege of bail and that fact has already been disclosed in paras-7 and 8 of the rejoinder affidavit, filed on behalf of the petitioner.

6. In view of the above, *prima facie*, it appears that said Shukla is acting upon the direction of certain high persons and petitioner has been forcefully evicted from his house and the same has been taken in the possession and by that action. It was pointed out that the property worth Rs. 10 crores has been sold at Rs. 2 crores only. If such allegations are there against said Shukla, why the police is keeping mum and not taking any action against said Shukla, is a question of concern.

7. In light of the above and considering the supplementary counter affidavit of the Superintendent of Police, Palamau, which is not

satisfactory, the Director General of Police, Jharkhand is directed to look into the matter and make a threadbare inquiry with regard to the allegations, as depicted hereinabove and file the counter affidavit within four weeks.

8. Let this matter appear after four weeks.

9. Let a copy of this order be communicated to the Director General of Police, Jharkhand for the needful.

10. With regard to the protection of the petitioner, as directed in the order dated 01.08.2024, that will remain in force till the next date.

11. In view of the above, the newly added respondent Nos. 6, 7 and 8, who are Deputy Commissioner, Palamau, District Sub-Registrar, Palamau and Circle Officer, Medininagar, Palamau are also directed to file their respective counter affidavits in light of the order passed today.

12. Let notice be issued to the newly added respondent No. 9 through registered cover with A/D as also by ordinary process, for which, requisites etc. must be filed within one week.

(Sanjay Kumar Dwivedi, J.)

Amitesh/-