

IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr.M.P. No. 2897 of 2021

Krishna Murari Singh and Others Petitioners
-- Versus --
State of Jharkhand and Anr. Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. P.P.N. Roy, Sr. Advocate
Mr. Arwind Kumar, Advocate
For the State :- Mr. Manoj Kumar, Advocate

5/08.03.2022 Mr. P.P.N.Roy, the learned Senior counsel appearing for the petitioners submits that the petitioners have received notice under section 62 of Jharkhand Public Land Encroachment Act by the S.D.M., Deoghar to vacate the land. He submits that the land in question has already been settled in favour of the ancestors of the petitioner and the proceeding was initiated and final observation by then Commissioner Bhagalpur was made with regard to land in question by order dated 30.05.1961. He submits that SDM, Deoghar in order dated 07.08.2021 it has been already recorded that the settlement was decided in favour of the predecessor and petitioner nos.1 and 2. The SDM, Deoghar raised question of wisdom for the validity of the then Commissioner. He submits that the petitioner has moved before the Commissioner in which status quo was passed by the Divisional Commissioner by order dated 09.08.2021. He submits that FIR has been lodged for the same land on frivolous ground.

The State shall take instruction and file counter affidavit.

Mr. Manoj Kumar, the learned State counsel waives notice on behalf of O.P nos.1 and 2.

The petitioners shall not be arrested in connection with Deoghar (Town) PS Case No.539 of 2021, pending in the court of learned CJM, Deoghar till next date.

The petitioners shall cooperate in investigation.

Let it appear on 09.06.2022.

In the meantime, the learned counsel for the petitioners shall remove the surviving defects.

The learned counsel for the petitioners submits that certified copy was supplied by them which is not readable and in that view of the matter, inspite of the efforts made true typed copy has not been made.

In this regard Mr. Manoj Kumar, the learned counsel will look into it and assure fresh copy is made available.

(Sanjay Kumar Dwivedi, J)