2024:JHHC:44995

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.7589 of 2011

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1. Laxmi Yadav, aged about 60 years, Wife of Late Nehru Lal Yadav, resident of Bara Bazar, P.O.-GPO, Hazaribagh, P.S.-Sadar, Dist-Hazaribagh, Jharkhand
2. Saurav Suman, aged about 32 years, son of Late Nehru Lal Yadav, resident of Bara Bazar, P.O.-GPO, Hazaribagh, P.S.-Sadar, Dist-Hazaribagh, Jharkhand
3. Kirti Suman, aged about 26 years, w/o Mukesh Yadav, Resident of c/o-Laxmi Yadav, resident of Bara Bazar, P.O.-GPO, Hazaribagh, P.S.-Sadar, Dist-Hazaribagh, Jharkhand **…. …. Petitioner(s)**

Versus

1. State of Jharkhand
2. The Transport Commissioner, Jharkhand, P.O. & P.S. Dhurwa, District-Ranchi
3. Deputy Commissioner, Hazaribagh, P.O.-GPO, Hazaribagh, P.S.-Sadar, District-Hazaribagh
4. Sub-Divisional Magistrate, Sadar, Hazaribagh, P.O.-GPO Hazaribagh, P.S.-Sadar, District-Hazaribagh
5. The Divisional Manager, Bihar State Road Transport Corporation Ranchi Division, Ranchi, P.O.+P.S.-Chutia, District-Ranchi
6. Depot Manager, Hazaribagh, P.O.-GPO, P.S.-Sadar, District-Hazaribagh, Jharkhand
7. The District Transport Officer, Hazaribagh
8. Sub Divisional Officer, Sadar, Hazaribagh cum Khas Mahal Officer, Hazaribagh **…. …. Respondent(s)**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner(s) : Mr. Brij Bihari Sinha, Adv.
For the Respondent(s) : Mr. Rahul Saboo, GP-II

24/Dated: 18th August, 2026

1. Heard learned counsel appearing for the petitioners as well as learned counsel appearing for the Respondents.

2. This writ petition has been filed under Article 226 of the Constitution of India for quashing the notice contained in Memo No.91 dated 15.03.2011 (Annexure-2), whereby the Depot Superintendent, Hazaribagh, has cancelled

the allotment of the shop of the petitioners in the said depot and directed them to vacate the premises.

3. Mr. Brij Bihari Sinha, learned counsel for the petitioners, submits that the Divisional Manager, BSRTC, Ranchi (now taken over by the State of Jharkhand), vide order dated 20.02.1986, allotted the shop/stall in the premises of Bihar State Road Transport Corporation (in short, "BSRTC"), Hazaribagh, on a monthly rent of Rs.250/- to the petitioners, and a direction was given to the petitioners to deposit a sum of Rs.3,000/- on account of advance rent for one year. The petitioners, in compliance with the said order, deposited the said amount and, since then, the petitioners have been running the shop/stall, which is the only source of their livelihood. He submits that the said order is contained in Annexure-1. He next submits that the petitioners constructed a shop over the land settled in their favour and started a tea stall in the said premises. Thereafter, the petitioners regularly deposited the monthly rent.

4. Learned counsel further submits that all of a sudden, a notice was issued by the Depot Manager, Hazaribagh, informing them that, pursuant to the letter dated 03.03.2011 issued by the Transport Commissioner, the allotment of the shop/stall in occupation of the petitioners had been cancelled and a direction had been given to hand over vacant possession of the shop/stall after depositing the outstanding dues in one *lump sum*, that too without providing any opportunity of hearing, on the ground that the petitioners had encroached upon the said premises. He submits that, in violation of the principles of natural justice, the said notice had been issued, but the petitioners are still in possession of the shop and running the tea stall.

5. Learned counsel appearing for the State submits that the petitioners were found to be encroachers and, in view thereof, the said notice had been issued.

6. Annexure-1 is the letter which clearly suggests that the said premises was allotted to the petitioners and, since the said allotment, they have been running the shop. Annexure-2 is the notice, wherefrom it transpires that no earlier show-cause notice was issued to the petitioners and, immediately

thereafter, the said notice was issued directing the petitioners to vacate the premises, holding them to be encroachers, whereas Annexure-1 speaks otherwise.

7. In that view of the matter, it is considered that the said notice had been issued in violation of the principles of natural justice, i.e., *audi alteram partem*. Accordingly, the notice contained in Memo No.91 dated 15.03.2011 (Annexure-2) is hereby quashed, and the matter is remitted back to Respondent Nos.3 and 6 respectively.

8. The petitioners are directed to file a fresh representation before them within a period of three weeks, and if such representation is filed by the petitioners before Respondent Nos.3 and 6, they shall take a final decision on the said representation within a further period of eight weeks thereafter.

9. With above observation and direction, the present writ petition stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated:18th August, 2026
Amar/-
Uploaded on 27.08.2026