**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**W.P.(C) No. 3397 of 2020**

1. Karmu Munda
2. Lorens Victor Kumar
3. Anita Munda
4. Bodhnath Munda
5. Indu Munda
6. Ramesh Munda
7. Akash Munda
8. Bhuneshwar Munda
9. Jagu Munda
10. Rajesh Kumar Pahan
11. Budhiya Munda
12. Francis Mewa
13. Roshan Munda ..... … Petitioners

Versus

1. The State of Jharkhand
2. The Secretary, Department of Land and Revenue, Project Building, Dhurwa, Ranchi.
3. The Deputy Commissioner, Ranchi.
4. The S.D.O., Ranchi.
5. The Land Acquisition Officer, Ranchi.
6. The Circle Officer, Kanke, Ranchi.
7. The Officer-in-Charge, Sadar (BIT Mesra Police Station), Ranchi.
8. State of Bihar through the Secretary Land Acquisition Officer, Patna, Bihar.
9. The Vice-Chancellor, Birla Institute of Technology, Mesra, Ranchi.

…. …. Respondents

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**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioners : Mr. Niranjan Kumar, Advocate
For the Res. Nos.1 to 7 : Mr. Ashok Kumar Yadav, G.A. I
For the Res. No.9 : Mr. Srijit Choudhary, Advocate

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03/10.12.2020 The present writ petition is taken up today through Video conferencing.

A copy of the writ petition has already been served to Mr. Sirjit Choudhary, learned counsel for the respondent no.9. Hence, the defect no.1, as pointed out by the office is ignored.

Since the petitioners have the common interest in putting challenge to the general notice issued by the Birla Institute of Technology, Mesra, Ranchi (Annexure-4 to the writ petition), I am of the view that the petitioners are required to pay only one set of Court fee. Hence, the defect no.2, as pointed out by the office is also ignored.

The present writ petition has been filed for staying the general notice issued under the signature of Deputy Registrar, Land Records, Birla

Institute of Technology (BIT), Mesra, Ranchi (Annexure-4 to the writ petition) whereby it has been claimed that the different land of village Rudiya, Thana No.168, Village Mesra, Thana No.169 and Village Hombai, Thana No.167 is owned by BIT, Mesra over which the steps for land demarcation as well as for raising boundary wall is being done. It has further been mentioned in the said general notice that if any person has objection to the same, he/she may approach the Circle Office, Kanke and if any obstruction is made in land demarcation as well as raising of the boundary wall, an appropriate legal action will be taken against such person.

Learned counsel for the petitioners submits that the petitioners are tribals and are the cultivating raiyats of the aforesaid land. They have been in possession of the same for last several decades. It is highly arbitrary on the part of the BIT, Mesra in issuing the impugned general notice. According to the petitioners, no notice in any acquisition proceeding had ever been served to any raiyat of the land in question and as such the same can be said to have been acquired on the basis of illegal acquisition proceeding, if all done.

Mr. Ashok Yadav, learned G.A. I appearing on behalf of the State respondents as well as Mr. Srijit Choudhary, learned counsel for the respondent no.9 jointly submit that it has already been mentioned in the impugned general notice that if any person has objection towards the demarcation of the land in question and raising of boundary wall over the same, he/she may approach the office of Circle Officer, Kanke (the respondent no.6).

Having heard learned counsel for the parties and keeping in view that the claim made by the petitioners in the present writ petition is factual in nature, which is to be verified at an appropriate level, without entering into the merit of the case, the petitioners are given liberty to prefer their respective objections before the respondent no.6 along with supporting documents by 24th December, 2020. On receipt of the said objection(s), the respondent no.6 after providing due opportunity of hearing to the petitioners and the representative of the respondent no.9, shall take appropriate informed decision on the said objection(s) of the petitioners as expeditiously as possible preferably within a period of three months from the date of filing of such objection(s).

Till the said decision is taken by the respondent no.9, the parties shall maintain status quo with regard to the land in question.

The writ petition is disposed of with aforesaid liberty and direction.

I.A. No.6262 of 2020 is also disposed of accordingly.

**(Rajesh Shankar, J.)**

***Rohit***