IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1326 of 2019
With
W.P.(C) No. 1341 of 2019
With
W.P.(C) No. 1343 of 2019
With
W.P.(C) No. 1345 of 2019
With
W.P.(C) No. 1346 of 2019
With
W.P.(C) No. 1349 of 2019
With
W.P.(C) No. 1352 of 2019
With
W.P.(C) No. 2355 of 2019
With
W.P.(C) No. 2360 of 2019
With
W.P.(C) No. 2386 of 2019
With
W.P.(C) No. 2388 of 2019
With
W.P.(C) No. 2367 of 2019
With
W.P.(C) No. 2390 of 2019
With
W.P.(C) No. 2361 of 2019
With
W.P.(C) No. 2437 of 2019
With
W.P.(C) No. 2441 of 2019
With
W.P.(C) No. 2461 of 2019
With
W.P.(C) No. 4424 of 2019
With
W.P.(C) No. 168 of 2020
With
W.P.(C) No. 169 of 2020
With
W.P.(C) No. 179 of 2020
With
W.P.(C) No. 170 of 2020

Ramjit Saw ..... Petitioner
[In W.P.(C) No. 1326 of 2019]

1. Chandan Saw
2. Vinay Saw ..... Petitioners
[In W.P.(C) No. 1341 of 2019]

1. Shiv Balik Saw
2. Lalo Devi ….. Petitioners
[In W.P.(C) No. 1343 of 2019]

1. Sudama Saw
2. Lalmuni Saw
3. Akhilesh Saw
4. Santosh Saw ….. Petitioners
[In W.P.(C) No. 1345 of 2019]

1. Antu Saw
2. Phulpati Devi ….. Petitioners
[In W.P.(C) No. 1346 of 2019]

1. Ramchandra Saw
2. Rajkumar Saw
3. Shiv Kumar Prasad ….. Petitioners
[In W.P.(C) No. 1349 of 2019]

1. Ajay Saw
2. Uday Saw
3. Ganauri Saw ….. Petitioners
[In W.P.(C) No. 1352 of 2019]

Basnati Kunwar @ Basanti Devi ….. Petitioner
[In W.P.(C) No. 2355 of 2019]

1. Jaypal Sao
2. Nepal Sao
3. Gopal Sao ….. Petitioners
[In W.P.(C) No. 2360 of 2019]

1. Vijay Mal Saw
2. Virendra Saw
3. Phulpato Kunwar ….. Petitioners
[In W.P.(C) No. 2386 of 2019]

1. Awadh Saw
2. Pradip Saw
3. Ashok Saw ….. Petitioners
[In W.P.(C) No. 2388 of 2019]

1. Sanjay Saw
2. Anil Saw ….. Petitioners
[In W.P.(C) No. 2367 of 2019]

1. Gariba Saw
2. Srikant Saw
3. Ramayan Saw ….. Petitioners
[In W.P.(C) No. 2390 of 2019]

1. Sambhu Saw
2. Dhananjay Kumar Saw
3. Saanmati Kunwar ….. Petitioners
[In W.P.(C) No. 2361 of 2019]

1. Shravan Saw
2. Upendra Saw
3. Anti Kuwar ….. Petitioners
[In W.P.(C) No. 2437 of 2019]

Virmani Saw ….. Petitioner
[In W.P.(C) No. 2441 of 2019]

1. Badeshwar Saw
2. Manu Saw
3. Ramkesh Saw ….. Petitioners
[In W.P.(C) No. 2461 of 2019]

1. Dasrath Saw
2. Binod Saw ….. Petitioners
[In W.P.(C) No. 4424 of 2019]

1. Shivnath Saw
2. Sitaram Saw
3. Baijnath Saw ….. Petitioners
[In W.P.(C) No. 168 of 2020]

1. Devdutt Saw
2. Bhikhari Saw
3. Dasrath Saw
4. Devbali Saw ….. Petitioners
[In W.P.(C) No. 169 of 2020]

Suraj Mal Saw ….. Petitioner
[In W.P.(C) No. 179 of 2020]

1. Maldev Saw
2. Rajendra Saw ….. Petitioners
[In W.P.(C) No. 170 of 2020]

Versus

1. The State of Jharkhand, through the Chief Secretary, Ranchi
2. The Director General of Police, Government of Jharkhand, Ranchi
3. The Commissioner, Palamau Division, Palamau
4. The Deputy Commissioner, Palamau
5. The Superintendent of Police, Palamau
6. The Circle Officer, Pandwa, Palamau
7. The Officer In-charge, Pandwa Police Station, Palamau
8. The Chairman, HINDALCO Industries Limited, Mumbai ….. Respondents

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CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners: Mr. R. R. Tiwary
For the State: Mr. Sanjeev Thakur, S.C (L&C)-I
For Respondent No.8: Mr. Indrajit Sinha

05/05.03.2020 The present writ petitions have been taken up together with the consent of the learned counsel for the parties and are being disposed of by this common order.

These writ petitions have been filed for issuance of direction upon the State respondents, particularly, respondent No.4-Deputy Commissioner, Palamau to take legal and appropriate action against the respondent No.8-the Chairman, HINDALCO Industries Limited, Mumbai restraining it from taking illegal possession of their land as well as residential house and excavating and raising coal from the said land without taking recourse of Section 49 of the Chhotanagpur Tenancy Act, 1908.

The grievance of the petitioners is that the respondent No.8 has been excavating their land without taking mandatory permission from the respondent No.4 and without executing the registered deed of transfer for the said land. All the petitioners are residents of Village-Kathautia having their house and hearth in the said village and they are the cultivators. The petitioners made applications before the respondent No.4 raising their aforesaid grievance, however, the same have not yet been responded.

Learned counsel for the respondent No.8 submits that the claim of the petitioners made in the present writ petitions is required to be factually determined, however, as per his instruction, the respondent No.8 has been making excavation of mineral in a lawful manner. It is also submitted that the petitioners have raised private disputes against the respondent No.8 and as such the present writ petitions are not maintainable.

Having heard learned counsel for the parties and keeping in view the nature of the prayer made in the present writ petitions, without entering into the merit of these cases, these writ petitions are disposed of giving liberty to the petitioners to file fresh representation(s) before the respondent No.4 on the present issue. On receipt of such representation(s), the respondent No.4, after providing due opportunity of hearing to the petitioners/their representatives as well as the representative of the respondent No.8 and on making due enquiry (if so required), shall take appropriate informed decision preferably within a period of four months from the date of receipt of the said representation(s).

Satish/- (RAJESH SHANKAR, J)