IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 3787 of 2020

Balminder Singh ..... … Petitioner

Versus

1. State of Jharkhand.
2. Deputy Commissioner, East Singhbhum, Jamshedpur.
3. Circle Officer, Jamshedpur. …. …. Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. P.P.N. Roy, Sr. Advocate
Mr. P.A.N. Roy, Advoate
For the Respondents : Mr. Mithilesh Singh, G.A. IV

03/17.12.2020 The present writ petition is taken up today through Video conferencing.

Learned senior counsel for the petitioner submits that the designation of the respondent no.3 has wrongly been typed as Circle Officer, Karandi in place of Circle Officer, Jamshedpur in the cause title of the writ petition.

In view of the said submission, office is directed to change the designation of the respondent no.3 from Circle Officer, Karandi to Circle Officer, Jamshedpur.

The main submission of the learned senior counsel for the petitioner is that the respondent no.3 initiated the land encroachment proceeding being B.P.L.E. Case No.62 of 2018-19 and disposed of the same vide order dated 1st November, 2019. Aggrieved with the said order, the petitioner preferred the B.P.L.E. Appeal No.15 of 2020-21 in the court of Deputy Commissioner, East Singhbhum, Jamshedpur (the respondent no.2) on 29th June, 2020. In the meantime certain complaint was filed before the Lokayukta, Jharkhand in which an order was passed directing the respondents to remove the alleged encroachment over the land in question. The grievance of the petitioner is that though the said appeal is still pending before the respondent no.2, the respondent no.3 is bent upon to remove the construction made over the land in question, which has compelled the petitioner to prefer the present writ petition.

Mr. Mithilesh Singh, learned G.A. IV appearing on behalf of the respondents, on instruction of the respondent no.2 submits that the petitioner preferred B.P.L.E. Appeal No.15 of 2020-21 in the court of the respondent no.2 on 29th June, 2020. The said appeal was admitted vide

order dated 24th November, 2020 and was to be taken up on 11th December, 2020. However since the respondent no.2 was engaged in some other administrative work, he could not hold the court on the said date i.e., 11th December, 2020, and the said appeal filed by the petitioner will come up before the respondent no.2 on 18th December, 2020 i.e., tomorrow.

Having heard learned counsel for the parties and keeping in view the submission made by the learned G.A. IV appearing on behalf of the respondents, the petitioner is directed to appear before the respondent no.2 in B.P.L.E. Appeal No.15 of 2020 on 18th December, 2020. The petitioner/his representative having appeared before the respondent no.2 is at liberty to pray for an interim order against the order passed by the respondent no.3 in B.P.L.E. Case No.62 of 2018-19. On making such prayer, the respondent no.2 shall consider the same on 18th December, 2020 itself, and pass appropriate order based upon the merit of the case.

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

(Rajesh Shankar, J.)

Rohit