

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 3745 of 2024

Vijay Ram

... Petitioner

Versus

1. Union of India through the General Manager, East Central Railway, Hazipur, District-Hazipur.
2. Divisional Engineer Spl. Of ECR of DRM Office at Dhanbad.
3. Senior Assistant Engineer, East Central Railway, Dhanbad.
4. Deputy Commissioner, Dhanbad.
5. Senior Superintendent of Police, Dhanbad.
6. Officer-in-Charge, Bank More Police Station, District-Dhanbad

... .. Respondents

CORAM: SRI ANANDA SEN, J.

For the Petitioner : Mr. Anurag Kashyap, Advocate.
For the UOI : Mr. Anil Kumar, Addl. S.G.I.

Oral Order

02/Dated: 03.07.2024

Heard the learned counsel for the parties.

The petitioner in this writ application has prayed for the following reliefs:-

- “(i) For issuance of an appropriate writ(s), order (s) or direction (s) particularly in the nature of mandamus, commanding upon the respondents, especially the Respondent No. 2, not to remove/dispossess the petitioner from his raiyati land on which the petitioner is residing with his family members since the year 1936 and that too without initiating any proceeding against the petitioner under any law whatsoever. And*
- (ii) For issuance of a further appropriate writ (s), order(s) or direction (s) particularly in the nature of mandamus, commanding upon the respondents not to disturb the peaceful possession of the petitioner as the petitioner being rightful owner has taken the land by virtue of written Patta in the year 1936 and since then his is residing with his family members. And*
- (iii) Further during pendency of the instant petition, respondents be restrained from carrying any construction work on the premise of the petitioner.”*

The main grievance of the petitioner is that there is imminent threat that the petitioner would be dispossessed but, there are no proceedings against him. He claims the land over which, he is in possession, to be his.

It is well settled principle of law that even an encroacher cannot be removed or dispossessed, without taking recourse of law.

The petitioner, only on apprehension, has filed this writ application. Thus, I am not inclined to entertain this writ application. Be it noted that petitioner should not be evicted by any person/authority without taking recourse of law and without initiating any proceeding under the law.

With the aforesaid observation, this writ application stands disposed of.

(Ananda Sen, J.)