

Most Parvati Devi and Ors Vs. Rabishankar Khaware and Ors

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Court : Jharkhand

Decided On : Dec-14-2016

Appellant : Most Parvati Devi and Ors

Respondent : Rabishankar Khaware and Ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W. P. (C) No. 5516 of 2014
1. Most. Parvati Devi 2. Dwarika Prasad Keshri 3. Manoj Keshri Petitioners vs.
1. Rabishankar Khaware 2. Sashi Shekhar KhawareRespondent 1st Party 3.
The State of Jharkhand through Commissioner, Santhal Pargana Division, Dumka
4. The Deputy Commissioner, Deoghar 5. The Sub Divisional Officer, Deoghar 6.
The Circle Officer, DistrictDeoghar 7. The Chief Secretary, Government of
Jharkhand 8. The Principal Secretary, Department of Personnel Administrative
Reforms and Raj Bhasa, Govt. of Jharkhand ... Proforma Respondents. with W. P.
(C) No. 6225 of 2016 1. Khushmendra Prasad Mehta 2. Moti Singh 3. Sona Singh
4. Kedar Singh 5. Karu Singh 6. Baleshwar Singh 7. Choti Singh 8. Anant Prasad
Mehta 9. Prasadi Yadav 10. Munna Yadav 11. Md. Samsu 12. Md. Mansoor 13.
Vindeshwari Choudhary Versus 1. The State of Jharkhand 2. The Commissioner,
North Chota Nagpur Division, DistrictHazaribag 3. The Additional Collector,
Hazaribag 4. The Land Reforms Deputy Collector, Hazaribag 5. The Circle Officer,
Churchu, DistrictHazaribag 6. The OfficerinCharge, Churchu, DistrictHazaribag 7.
Raju Ravidas 8. Umesh Ravidas 9. Purendra Ravidas 10. Vaijnath Ravidas 11.
Krishna Ravidas 12. The Principal Secretary, Department of Personnel

Administrative Reforms and Raj Bhasa, Govt. of Jharkhand 13. The Chief Secretary, Government of Jharkhand ..Respondents. with W. P. (C) No. 6803 of 2016 Mandira DuttaPetitioner. Versus 1. The State of Jharkhand 2. Divisional Commissioner, Kolhan Division, Chaibasa 3. Sub Divisional Officer, Saraikella 4. Circle Officer, Gamharia 5. Shankari Bhumij, District East Singhbhum 2. CORAM: HONBLE MR. JUSTICE APARESH KUMAR SINGH For the Petitioners : M/s. Kailash Prasad Deo, Aashish Kumar, Advs (in W.P.(C) No. 5516 of 2014 For the Respondents : Mr. Atanu Banerjee, G.A. For the Petitioners : Mr. Anil Kumar Sinha, Adv (W. P. (C) No. 6225 of 2016) For the Respondents : Mr. Jayant Franklin Toppo, S.C (L&C) For the Petitioner : Mr. Krishanu Ray, Adv. (W.P.(C) No. 6803 of 2016) For the Respondents : Mr. V.K.Prasad, S.C (L&C) 7/14.12.2016 The order dated 5th December, 2016 passed in W.P.(C) Nos. 5516 of 2014 and 6225 of 2016 is reproduced hereunder for ready reference as to the nature of the issues involved. It transpires that the instant petitions have been preferred alleging delay in disposal of revision petitions pending before the Court of Commissioner, Santhal Pargana Division and North Chota Nagpur Division respectively. This Court has also come across in the recent few months of such cases pending before the Commissioner, South Chota Nagpur Division and Kolhan Division as well. One or the other petitioners have been compelled to move this Court as the prayer for interim relief could not be considered by learned Commissioner of the respective Division in time on an apprehension of threat of eviction. It has further transpired from the records of CMP No. 530 of 2016 pending before this Court that despite time granted, the Revisional Authority i.e, Commissioner, North Chota Nagpur Division could not take up the matter of interim application. The petitioners had to approach this Court again for sufficient extension of time in the said Civil Miscellaneous Petition. Learned Government Advocate was asked to seek instructions in the matter today. It transpires from the instructions furnished to him that the same officer, Dr. Pradeep, I.A.S has been entrusted charge of four Divisions, namely, Kolhan Division, South Chota Nagpur Division, North Chota Nagpur Division as well as Santhal Pargana Division apart from the charge of J.C.E.C.E Board. Learned Government Advocate submits that this additional arrangement has been made due to paucity of officer in the I.A.S Cadre. The additional charge to the officer of the Divisional Commissioner, Kolhan at the same

time with that of Commissioner, Santhal Pargana Division apart from two other charges of Commissioner, South Chota Nagpur Division and North Chota Nagpur Division defies reason. In effect, not only the other administrative discharge of duties by the Divisional Commissioner would suffer, but the administration of justice would also be gravely affected due to such arrangement. It is therefore considered necessary to implead the Chief Secretary, Government of Jharkhand and Principal Secretary, Department of Personnel, Administrative Reforms & Rajbhasa, Government of Jharkhand as respondents in the 3. instant writ petitions, for which necessary correction be carried out by learned counsel for the petitioners during the course of the day. Learned Government Advocate represents the newly added respondents also. He is required to seek instructions from the concerned respondents within a week. List this case on 14th December, 2016 along with C.M.P. No. 530 of 2016. Let a copy of this order be also sent forthwith through FAX to Chief Secretary, Government of Jharkhand and Principal Secretary, Department of Personnel, Administrative Reforms and Raj Bhasa, Govt. of Jharkhand. However, in the meantime, no coercive steps be taken against the petitioner in connection with the property in question in W.P.(C) No. 6225 of 2016. W.P.(C) No. 6803 of 2016 is on board today as a Fresh Filing matter wherein also petitioner has approached this Court seeking direction upon the Divisional Commissioner, Kolhan Division, Chaibasa to hear his revision application, being S.A.R Revision No. 30 of 2016. He has also made a prayer for interim protection in view of the order of restoration of possession dated 28th July, 2016 passed by Land Reforms Deputy Collector, Saraikella in S.A.R. Case No. 7 of 201516. This petitioner has also raised a similar concern as the other two petitioners on account of the fact that the same officer, Dr. Pradeep Kumar, I.A.S has been holding the post of Divisional Commissioner, Kolhan Division, Chaibasa and that of three divisions, namely, North Chotanagpur Division, South Chotanagpur as well as Santhal Pargana Division, he is not in a position to accord enough time to attend the matters pending before him. Taking note of the serious situation on the previous date, the order dated 5th December, 2016 was passed asking learned State Counsel to take specific instruction from the Chief Secretary, Government of Jharkhand and Principal Secretary, Department of Personnel, Administrative Reforms & Raj Bhasa. Learned Government Advocate and other

State Counsel representing the respondents, have received instructions in the matter. Counter affidavit has also been filed today in W.P.(C) No. 5516 of 2014. Apart from other averments made therein, it is evident from perusal thereof that the same officer, Dr. Pradeep Kumar, I.A.S has been 4. given additional charge of all four divisions while one Mr. Rajiv Arun Ekka, I.A.S is holding charge of Divisional Commissioner, Palamau Division, Medninagar. Counsel for the Respondent State has submitted that there are insufficient officers in the said rank which has resulted in additional charge of more than one division to the same officer. However, at paragraph 5 of the instant counter affidavit, the respondents have categorically stated that some Indian Administrative Officer would be promoted to the Secretary rank after 1st January, 2017. Some of those officers would be posted on the vacant post of Divisional Commissioner. Mr. Atanu Banerjee, learned Government Advocate submits that the notification of posting such officers to the post of Divisional Commissioner of these divisions where additional charge is being held by one officer, Dr. Pradeep Kumar, I.A.S would be undertaken at the earliest not later than 2nd week of January, 2017. Learned counsel for the State submits that once the incumbent assumes charge of the Divisional Commissioner in regular capacity, the grievance of such persons like the petitioner can be easily redressed. It is submitted that the interim protection may be granted till that period whereafter petitioner would be at liberty to seek interim relief from the learned Commissioner of the concerned division where revision petitions are pending. Learned State Counsel, Mr. Toppo submits in W.P.(C) No. 6225 of 2016 that the Commissioner, North Chotanagpur Division is going to hold the Court on 22nd December, 2016 and the case of the petitioner herein would be taken on that date. Learned counsel for the petitioner in W.P.(C) No. 6225 of 2016 therefore submits that this Court may be pleased to extend the interim protection granted on 5th December, 2016, so that petitioner may approach the learned Commissioner for interim relief on the date fixed. Having considered the relevant pleas of the parties in these matters 5. the following order is being passed. The writ petition being W.P.(C) No. 6225 of 2016 is being disposed of to enable the petitioner to approach the Commissioner, North Chottanagpur Division for the grievances raised herein and pray for interim protection on the next date fixed i.e. 22nd December, 2016. Interim protection

granted on 5th December, 2016 in the said case shall remain operative till 31st December, 2016. In the other two writ petitions, petitioners herein are granted liberty to approach the Divisional Commissioner, Santhal Pargana Division and Kolhan Division by 21st January, 2017 for consideration of the revisions petitions preferred by them and for seeking any interim relief in the matter. However, no coercive steps be taken against the petitioner in W. P. (C) No. 6803 of 2016 till 27th January, 2017 in connection with S.A.R Case no. 7 of 201516 in view of the order dated 27th July, 2016 directing the restoration of possession passed by learned Land Reforms Deputy Collector, Saraikella. Since, there is no imminent threat for eviction in the case of petitioner in W.P.(C) No. 5516 of 2016, there is no reason to grant any interim protection in the said matter. These writ petitions are accordingly disposed of. (Aparesh Kumar Singh,J) jk

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