

Brinda Devi Vs. State of Jharkhand and ors

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Court : Jharkhand

Decided On : Jan-10-2013

Appellant : Brinda Devi

Respondent : State of Jharkhand and ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (C) No. 1544 of 2008
--- Brinda Devi --- --- ---- Petitioner Versus The State of Jharkhand through the
Secretary, Road Construction Department & others --- --- Respondents ---
CORAM: The Honble Mr. Justice Aparesh Kumar Singh For the Petitioner: Mr.
Deepak Kumar, Advocate For the State: JC to SC (L&C) --- 05/ 10.01.2013 Heard
counsel for the parties.

2. The petitioner had come before this court being aggrieved by the acts of the respondent no. 7 who was said to have encroached illegally upon the land of the National Highway No. 31 at Plot No. 6425, Khata No. 727, Ward No. 2, Jhumri Telaiya and thereby blocking the ingress and outgress of the petitioner in collusion with the official respondents.

3. After the order passed on 4th February 2010 in the instant case, the respondent no. 6-Executive Engineer, NH Wing, NH Division, Hazaribagh filed an affidavit wherein it has been stated that the alleged encroachment has been removed and copy of the letter of communication addressed to the Executive Engineer dated 17th March 2010 has been annexed as annexure-B and a letter dated 17.03.2010 addressed to the Sub Divisional Officer, Koderma has also been annexed as

annexure-C showing compliance.

4. No rejoinder to the said affidavit has been filed, although removal of the entire encroachment has been disputed by the petitioner.

5. However, from the facts which have been brought on record by way of supplementary counter affidavit, it appears that the alleged encroachment has been removed and it has not been refuted by filing any rejoinder or bringing any material on record. It appears that the writ petition has been rendered infructuous. It is accordingly dismissed. (Aparesh Kumar Singh, J) Ranjeet/

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