

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P. (C) No.1678 of 2021**

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Jarf I.T.C. through its Secretary,  
Rambha Devi.

..... Petitioner.

-Versus-

1. The State of Jharkhand
2. The Deputy Commissioner, Koderma.
3. Sub Divisional Officer, Koderma
4. The Circle Officer, Koderma

..... Respondents.

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**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioner : Mr. D. K. Dubey, Advocate

For the State : Mr. Piyush Chitresh, A.C. to A.G.

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**Order No.08**

**Date: 31.01.2023**

The writ petition was earlier taken up on 13<sup>th</sup> December, 2022  
and on the said date, following order was passed:-

*"Reference may be made to order dated 17.11.2022, which reads as under:*

*"Learned counsel for the petitioner submits that in the year 2011, a land encroachment proceeding was initiated against it for allegedly encroaching the land appertaining to Khata No. 01, plot no. 01, Thana no. 250, measuring an area of 16' x 290', situated at village Bishunpura, P.S.- Koderma, District Koderma, in which after submitting reply by the petitioner regarding its lawful possession over the same, no further action was taken. However, after lapse of ten years, the impugned notice dated 15th March, 2021 has been issued by the Circle Officer, Koderma-respondent no. 4 under the provisions of the Bihar (now Jharkhand) Public Land Encroachment Act, 1956 without even mentioning Khata or plot number.*

*No one appears on behalf of the respondents.*

*Under the said circumstance, the respondent no. 4 is directed to remain physically present before this Court along with original record of the concerned land encroachment case on the next date fixed.*

*Put up this case under the same heading on 13th December, 2022."*

*Pursuant to the aforesaid order, Mr. Anil Kumar, Circle Officer, Koderma (the respondent no. 4) is physically present before this Court.*

*Mr. Mohan Kumar Dubey, learned A.C. to A.G. appearing on behalf of the respondents, on instruction of the respondent no. 4, submits that inadvertently, the descriptions of the land have not been mentioned by the respondent no. 4 in the impugned notice dated 15.03.2021. He, accordingly, prays for four weeks' time to enable the respondent no. 4 to take appropriate steps in this regard. It is further submitted that no further action has been taken against the petitioner after issuance of the notice dated 15.03.2021.*

*Considering the aforesaid prayer, put up this case on 31.01.2023 under the heading for "Fresh Filing".*

*In the meantime, the respondent no. 4 shall file a counter affidavit stating the further steps taken by him in this regard. He shall also remain physically present before this Court on the said date."*

In compliance of the order dated 13<sup>th</sup> December, 2022, Anil Kumar, Circle Officer, Koderma Circle, Koderma- respondent no.4 is physically present before this Court today.

A counter affidavit on behalf of the said respondent has also been filed stating that the impugned notice dated 15<sup>th</sup> March, 2021 (Annexure-6 to the writ petition) has subsequently been recalled by the said respondent vide memo no.142 dated 21<sup>st</sup> January, 2023, a copy of which has been annexed as Annexure-A to the said counter affidavit.

The aforesaid letter dated 21<sup>st</sup> January, 2023 suggests that the notice dated 15<sup>th</sup> March, 2021 earlier issued to the petitioner under Bihar (now Jharkhand) Public Land Encroachment Act, 1956 has been recalled on the ground that the same did not mention any description of land.

Considering the said development, there is no need to further proceed in the matter. The writ petition is, accordingly, disposed of.

**(Rajesh Shankar, J.)**

***Sanjay/***