

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 3152 of 2024

1. Madhur Kumar Singh, aged about 44 years, son of Late Prayag Singh
2. Aarti Devi, aged about 45 years, wife of Ajay Kumar Dhiwar
3. Sanjiv Kumar, aged about 48 years, son of Late Bhupal Chand Chatterjee
4. Mitrani Chaterjee, aged about 52 years, son of Late Bhupal Chand Chatterjee
5. Shekhar Kumar, aged about 55 years, son of Late Bhupal Chand Chatterjee
6. Deepali Ranigan, aged about 56 years, wife of Sri Dinbandhu Gaun
7. Anupam Kumari, aged about 35 years, wife of Sri Suraj Kumar Singh
8. Nandani Awasthi, aged about 37 years, wife of Ravi Awasthi
9. Avinash Murmu, aged about 30 years, son of Late Krishna Murmu
10. Binod Swarnkar, aged about 65 years, son of Late Ram Lagan Sah Sonar
11. Sulekha Devi, aged about 55 years, wife of Sri Navin Kumar Singh
12. Shobha Devi, aged about 38 years, wife of Sri Nilkanth Jha
13. Sunita Soren, aged about 35 years, wife of Sushil Hansda
14. Sukanti Devi, aged about 45 years, wife of Shukra Das
15. Soni Devi, aged about 35 years, wife of Sanjay Kumar Bhagat
16. Pramod Kumar, aged about 55 years, son of Hareram Sah
17. Asha Jha, aged about 56 years, wife of Amrendra Nath Jha
18. Ambika Devi, aged about 56 years, wife of Satyanarayan Jha
19. Gopal Prasad Sah, aged about 65 years, son of Late Rameshwar Prasad Sah
20. Urwashi Devi, aged about 65 years, wife of Rajendra Prasad Yadav
21. Baleshwari Murmu, aged about 58 years, wife of Jamedar Kisku
22. Aarti Kumar @ Arti Kumari, aged about 38 years, wife of Manish Kumar
23. Savitri Devi, aged about 38 years, wife of Sanjay Kumar Dehri
24. Nilam Jha, aged about 41 years, wife of Anuj Jha
25. Sarita Devi, aged about 41 years, wife of Sanjay Kumar Ray
26. Sumona Marandi, aged about 31 years, son of Late Ajay Marandi
27. Malti Murmu, aged about 64 years, wife of Devdas Tudu

All are residents of Bajrang Nagar, behind Tara Mandal (Polytechnic Dumka), P.O. Shiv Pahar, P.S. Dumka (Town), District- Dumka, Jharkhand

... Petitioners

-Versus-

1. The State of Jharkhand
2. The Secretary, Higher Education Department, Government of Jharkhand, P.O. & P.S. Doranda, District- Ranchi
3. The Director, Higher Education Department, Government of Jharkhand, P.O. & P.S. Dhurwa, District- Ranchi
4. The Secretary, Building Construction Department, Government of Jharkhand, P.O. & P.S. Doranda, District- Ranchi
5. The Deputy Commissioner, Dumka, P.O., P.S. & District- Dumka

6. The Sub-Divisional Officer, Dumka, P.O., P.S. & District- Dumka
7. The Circle Officer, Dumka (Town), P.O. Dumka, P.S. Dumka (Town), District- Dumka
8. The Union of India through the Divisional Railway Manager, Eastern Railway Asansol, P.O., P.S. & District- Asansole, West Bengal
9. The Chief Engineer/ Construction, Eastern Railway, Howrah, P.O., P.S. & District- Howrah, West Bengal
10. The Junior Engineer/ Construction, Eastern Railway, Dumka, P.O., P.S. & District- Dumka
11. The Principal, Rajkiya Polytechnic Institute, Dumka, P.O., P.S. & District- Dumka

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	:	Mr. Vinay Kumar Tiwary, Advocate
For the State	:	Mr. Kishore Kumar Singh, S.C.-V
For Respondent Nos.8-10	:	Mr. Anil Kumar, Addl. S.G.I. Mrs. Niki Sinha, C.G.C.

05/31.07.2024 Heard Mr. Vinay Kumar Tiwary, learned counsel for the petitioners, Mr. Kishore Kumar Singh, learned counsel for the State and Mr. Anil Kumar, learned counsel for respondent nos. 8 to 10.

2. The prayer in the writ petition is made for direction upon the respondents to stop the construction being done by Rajkiya Polytechnic College, Dumka by closing the way through the boundary wall.

3. Learned counsel for the petitioners submits that the said road was being utilized by the common people since last 30 years, however, now boundary wall has been erected. He further submits that the petitioners have moved before the Sub-Divisional Officer, Dumka and the Deputy Commissioner, Dumka, but they have refused to entertain the petition and no order has been passed.

4. Learned counsel for the State and respondent nos. 8 to 10 jointly submit that there is disputed question of fact and that cannot be the subject matter of writ jurisdiction.

5. In view of the above and considering that the petitioners have already moved before the Deputy Commissioner, Dumka by way of Annexure-5 and no order has been passed and, as such, this petition is being disposed of directing the petitioners to file a fresh representation before the Deputy Commissioner, Dumka within a week. If such representation is filed within the aforesaid period, the Deputy Commissioner, Dumka will take a decision on the said representation within a period of three weeks further thereafter.

6. It is open to the petitioners to pray for any interim protection before the Deputy Commissioner, Dumka.

7. This petition is, accordingly, disposed of.

8. Pending I.A., if any, is disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/