

(2011) 05 JH CK 0057
Jharkhand High Court
Case No: L.P.A. No. 6 of 2011

Jageshwar Gope

APPELLANT

Vs

Central Coalfields Ltd. and
Others

RESPONDENT

Date of Decision: May 19, 2011

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: Prakash Tatia, Acting C.J.; Harish Chandra Mishra, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

1. Heard learned Counsel for the parties.
2. After going through the facts of the case, we are of the view that there is no illegality in the order dated 25th November, 2010 and the Petitioner-Appellant wrongly approached this Court by preferring the writ petition under Article 226 of the Constitution of India in the disputed claim, where several disputed questions of fact are involved and the learned Single Judge has rightly held that the Petitioner is free to avail the other remedy in accordance with law.
3. Learned Counsel for the Appellant submitted that the learned Single Judge has observed that the Respondents are free to take appropriate steps against the Petitioner or his contractor for vacating the land.
4. This is the only observation and not a license to the Respondents to take possession of the property illegally or otherwise, then in accordance with law. Even if this portion of the said observation is deleted, the right of the Respondents to take steps against the Petitioner in accordance with law survives. Therefore, we do not find any reason for interference in the order passed by the learned Single Judge. Hence, this Appeal is dismissed having no merit.

5. At the request of the learned Counsel for the Appellant, we make it clear that none of the findings has been recorded by the learned Single Judge on merit, therefore, none of the observations will come in the way of any of the parties.