

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 1325 of 2011

Court on its own motion Petitioner
Versus

State of Jharkhand & Others Respondents

**CORAM : HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MRS. JUSTICE JAYA ROY**

For the Petitioner : M/s Indrajit Sinha, Amicus Curiae
For the State : Mr. R.R. Mishra, G.P.II
For the R.R.D.A : Mr. A.K. Singh
For the R.M.C. : Mr. R.R. Nath
For the Pollution Control
Board : Mr. A.K. Pandey, Advocate
For the Respondents-BSL : M/s P.K. Prasad, Sr. Advocate &
Mr. Ananda Sen
For the Intervenor : Dr. S.N. Pathak

Order No.10

Dated 15th of June, 2011

Office is directed to see that any I.A. Which has already been decided may not be tagged while listing the writ petition in Court and all those I.As. which have already been decided in this petition (W.P.(PIL) No. 1325 of 2011) may be kept separately in the office itself and may be kept ready for placing before the Court, if called by the Court.

All replies, counters or show causes which have been filed by the local authorities or officers in response to the Court's order dated 01.04.2011 may be separated and may also be kept together in the office for placing before this Court, if those replies, counters or show causes are required by the Court.

Learned counsel for the State very rightly submitted that large number of Public Interest Litigations are being filed in the High Court and all those petitions or at least most of the Public Interest Litigations are filed without approaching the concerned authority of the State Government and without waiting for the reply to the representation. The Court work is heavily burdened which could have been avoided by application of mind by the State Government and the authorities under the State, if the petitioner before approaching the Court would have submitted representation or have served notice for demand of justice.

We may take notice of the fact that a draft of National Litigation Policy has already been sent to the State Government and the State Government was under obligation to frame Litigation Policy by 31.03.2011 to take benefits under 13th Finance Commission

recommendations. Therefore, in view of the above facts this Court would like to know whether the State Government has adopted/ implemented the State Litigation Policy where in any mechanism for redressal of the public must be there so that before approaching the Court the aggrieved person may approach appropriate cell of the State Government and under that policy the State is required to consider and pass order on the representation or on the notice for demand of justice which will certainly reduce the unnecessary litigation. The cases of State litigation policy be provided by the counsel for the State.

However, learned counsel for the State also submitted that he has submitted status report but the copy of which does not tagged in the file. The said status report may be tagged in the file.

Learned counsel for the State also stated that his name has not been shown in the present petition.

Registry is directed to show the name of the learned counsel in the cause list in future.

In I.A. No. 1032 of 2011 it has been stated that encroachments in the river bed areas have not been removed by the State and according to the learned counsel for the Intervenor the State yet has not filed reply to the application.

Learned counsel for the State submits that in view of the order already passed by this Court the State shall file the complete report which shall include even the river bed area of rivers Swarnrekha and Kharkhai in the District of East Singhbhum at Jamshedpur. Therefore, all those encroachments will also be considered by the State while considering other encroachments matter.

At the request of the counsel for the parties the matter be listed on 21.06.2011.

(Prakash Tatia, A.C.J.)

(Jaya Roy, J.)

Biswas/Satayendra