

(2019) 12 JH CK 0165
In the Jharkhand High Court
Case No : Writ Petition (C) No. 2626 Of 2012

Abdul Rahman Khan And Ors	Vs	APPELLANT
State Of Jharkhand And Ors		RESPONDENT

Date of Decision : 11-12-2019

Acts Referred:

Citation : (2019) 12 JH CK 0165

Hon'ble Judges : B.B. Mangalmurti, J

Bench : Single Bench

Advocate : Anjani Kumar Verma, Anil Kumar

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioners as well as learned counsel for the respondents.

2. It is submitted on behalf of the petitioners that petitioners have approached this Court for quashing of entire proceedings passed in Misc. Case

No.02/2011-12 (Annexure-6), so far it relates to petitioners, by which the respondent-authorities have cancelled the Jamabandi of the lands of the

petitioners without issuing any notice to the petitioners. Learned counsel for the petitioners further submitted that the land relating to Mauza-Konka,

Thana No.198, Khata No.143, R.S. Plot No.165, Municipal Survey Plot No.1391 was recorded in the name of grandfather of petitioner no.1, namely

Azim Khan as also in the name of Habib Khan & others and the petitioner no.1 was paying rent till the year 2010-11. It is also submitted that suddenly

the Jamabandi of the petitioner was cancelled and new Jamabandi has been created in favour of Government Polytechnic, Ranchi without issuing any

notice or providing any opportunity of hearing to the petitioner by the Circle

Officer, Ranchi and passed order in Misc. Case No.2/2011-12 which is wholly without jurisdiction. It is further submitted that on inquiry he could know that Principal In-charge, Government Polytechnic, Ranchi submitted an application on 6th May, 2011 to the Circle Officer (Town), Ranchi enclosing a copy of the Gazzette dated 1st April, 1959 stating therein that 28.54 acres of land has been acquired in favour of Ranchi College of Engineering presently known as Government Polytechnic, Ranchi in Mauza-Konka, Thana No.198 mentioning different plot numbers and requested the respondent no.6-Circle Officer for mutation on the basis of a letter dated 15th May, 1961. From aforesaid letter, it would appear that 28.54 acres of land was acquired by the Government in the year 1961, but the possession of the land of petitioner was not taken over and he had paid the rent of the said land till the year 2010-11.

3. Learned counsel appearing on behalf of the respondents submitted that he has filed counter affidavit but only one counter affidavit filed on behalf of the respondent nos.3 and 8 dated 17th December, 2012 is on record. Stand of the respondents is that the land in question in Mauza Konka, Thana No.198 under different khatas and plots measuring an area of 28.54 acres including Khata No.143, Plot No.165 area 3.63 acres were acquired for Government Polytechnic vide Land Acquisition Case No.3/1959-60 under declaration No.301/R, 03/1959-60 under declaration no.301/R dated 10th March, 1961. Photocopy of the said notification has been attached as Annexure-A to the said counter affidavit. It is further submitted by the respondentsâ?? counsel that compensation with regard to the land acquired were already paid to the land owners and physical possession over the entire acquired land of the area 28.54 acres was taken over by the Principal, Government Polytechnic, Ranchi on 15th May, 1961. Photocopy of the certificate of possession of land has been attached as Annexure-B to the said counter affidavit. It is also submitted by counsel appearing on behalf of the respondents that in compliance of the order of this Honâ??ble Court passed in W.P. (PIL) Nos.6141 of 2008 and 1872 of 2010 and 3585 of 2011, the ante-encroachment drive was undertaken and those persons who were found encroaching the government lands were removed. Since, the acquisition of the land is concerned, the respondent no.8 Principal, Ranchi Polytechnic, Ranchi is in possession of the entire piece of land on which the

construction of the college building is also situated as well as some vacant lands are also there and the same is in exclusive possession of the respondent no.8.

4. Considering the above submissions of the parties and on perusal of the papers attached with this application, it appears that lands belonging to the predecessor of the petitioner was acquired by the Government in the year 1961 itself for the purpose of setting up of Government Engineering College which is now known as Government Polytechnic College and after payment of award, the possession of the land was taken over and as per submission of learned counsel for the respondents, the Government Polytechnic College building is also standing there.

5. Therefore, in this circumstances, instant writ application is dismissed.

6. If the petitioner is aggrieved by the order of cancellation of Jamabandi, if so advised, he may approach the appropriate authority in accordance with law.