

**(2019) 01 JH CK 0024**  
**In the Jharkhand High Court**  
**Case No : Writ Petition (C) No. 6013 Of 2018**

Anjani Kumar

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

---

**Date of Decision :** 10-01-2019

**Acts Referred:**

**Citation :** (2019) 01 JH CK 0024

**Hon'ble Judges :** Sujit Narayan Prasad, J

**Bench :** Single Bench

**Advocate :** Ayush Aditya, Shamim Akhtar

**Final Decision :** Disposed Off

---

## Judgement

1. This writ petition has been filed for issuance of direction upon the respondent no. 5- Circle Officer, Katkamdag, to issue rent receipt in favour of the petitioner, in view of the fact that the order passed by the competent authority against the vendor of the petitioner has been quashed in writ petition being W.P.(C). No. 1242 of 2010, the Co-ordinate Bench of this Court vide order dated 25.11.2014 mainly on the ground of violation of principles of natural justice and the matter has been remitted before the Circle Officer Katkamdag to take decision afresh in accordance with law after providing opportunity.
2. Learned counsel for the petitioner has submitted that since the cancellation order related to Jamabandi has been quashed by this Court and the matter is lying pending before the Circle Officer concerned since long, and as such the authority may be directed to accept the rent.
3. Learned counsel appearing for the state, disputing the argument advanced by learned counsel for the petitioner has submitted that the settled proposition of law is that on technicality no one can be allowed to take advantage of the same and since the order of cancellation of Jamabandi has been quashed on the ground of violation of principle of natural justice and in consequence thereof, the matter has been remitted before the Circle Officer, Katkamdag, therefor, if any

order would be passed in favour of the petitioner for issuance of receipt of rent it would amount to allow the petitioner to take advantage of the technicalities. He therefore submits that since the matter is remitted to the Circle Officer therefore it would be just and proper to direct the Circle Officer, Katkamdag, to take decision at an early date.

4. Having heard learned counsel for the parties and upon appreciation of rival submissions it is the factual aspect which is not in dispute that the petitioner has approached this Court in W.P. (C). No. 1242 of 2010 with regard to land in question through the vendors namely Anup Kumar, Manohar Ravidas and Nand Kishore Ravidas, as would be evident from the pleadings made in this writ petition. The Jamabandi created in the name of vendor has been cancelled by the Circle Officer, Katkamdag by virtue of order passed on 30. 05.2008 and 28.07.2008 and the same has been challenged before this Court in W.P.(C). No. 1242 of 2010, on the ground that before passing the aforesaid order the principle of natural justice has not been followed and hence the matter has been remitted back to the Circle Officer, Katkamdag to take a decision afresh after directing of opportunity hearing to the vendors.

5. The grievance of the petitioner is that order passed in W.P.(C) No. 1242 of 2010, has been passed way back on 25.11.2014 but till date no order has been passed, as such the authority may be directed to issue rent receipt in favour of petitioners who happens to be purchaser.

6. Mr. Ayush Aditya, learned counsel for the petitioner has submitted that petitioners have also made the applications before the Circle Officer, Katkamdag, but no order has been passed and for the lapse on the part of respondent- Circle Officer, Katkamdag, the petitioner cannot be made to suffer.

7. In view thereof, the direction which has sought for by the petitioner is not fit to be allowed. However, since this Court has passed an order dated 25. 11.2014 in W.P.(C) No. 1242 of 2010 and petitioner has also made application before the competent authority, it is their duty to take an early decision.

8. Therefore, this Court while disposing of the writ petition, is directing the Circle Officer, Katkamdag, to take final decision within a period of 8 weeks from the date of receipt of copy of this order by following direction passed by this Court in W.P.(C) No. 1242 of 2010 dated 25.11.2014.

9. This Writ petition is accordingly, disposed of.