

(2012) 03 JH CK 0166

In the Jharkhand High Court

Case No : Contempt Case (Civil) No. 178 of 2011 and Contempt Case (Civil) No. 780 of 2010

Anup Kumar Chatterjee

APPELLANT

Vs

State of Jharkhand and Mr. Jagdish Yadav
 Rajendra
Dave Vs State of Jharkhand and Mrs. Suman Pathak, The
Circle Officer, Town Anchal, Ranchi Sadar, Ranchi

RESPONDENT

Date of Decision : 12-03-2012

Acts Referred:

Citation : (2012) 03 JH CK 0166

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R. K. Merathia

1. It is submitted on behalf of the petitioner that though the concerned respondents have passed orders in pursuant to the order in question dated 12.5.2008, but such order has been passed after a long delay and the same has been communicated to the petitioner only through show-cause filed in this case. On the other hand, counsel for the Jamshedpur Notified Area Committee pointed out that though the order was to be passed preferably within four weeks from the order dated 12.5.2008, but after giving several opportunities of hearing to the petitioner, the order could be passed only on 31.12.2008. He referred to the show-cause and the annexures annexed therewith.

2. In my opinion, no grounds are made out for proceeding against the opposite parties for disobedience of the order of this Court.

3. Accordingly, this contempt case is dropped.

4. According to the petitioner, the Circle Officer, Town Anchal, Ranchi has disobeyed the order of this Court dated 1.9.2010 passed in W.P.(C) No. 3202 of 2010 inasmuch as, he has passed similar order which was passed by him earlier and which was challenged in the said writ petition.

5. On the other hand, Mr. P. K. Singh, learned State counsel referring to the show-cause submitted that a reasoned order has been passed by the Circle Officer, Town Anchal, Ranchi Sadar, Ranchi on 28.10.2010 as it was found that the land in question was a lease land. He further submitted that the lease expired in the year 1996 itself, and therefore, the transfer on which the petitioner relies is invalid.

6. In the case reported in 2006 (3) JCR 415 (Jhr.) Shishir Kumar Chakravarty Vs. State of Jharkhand, it was inter-alia held as follows:

8. It is a settled law that mutation of name/creation of Jamabandi does not create any right or title in favour of one or other nor cancellation of mutation/Jamabandi extinguishes right and title of the genuine owner. It is only the person who is in possession, his name is recorded in Register II and rent is accepted by the State.

9. In the present case, the names of the petitioners have already been mutated, as discussed above and not disputed by the respondents. As such, they can not refuse to accept the rent in pursuance of such mutation on the ground that the lease period has expired on 31st March, 1996 and has not yet been extended.

10. In the facts and circumstances the respondents, including the concerned Circle Officer, Town Anchal, Ranchi, are directed to accept the rent, as may be deposited by one or other petitioner and to grant rent receipt(s) within one week from the date of receipt of rent. However, this order will not stand in the way of the respondents to act in accordance with law nor it will stand in the way of the petitioners to dispute the nature of the land i.e. the land, in question is not a Khas Mahal land.

7. According to the petitioner, the land in question is not a lease-hold land, whereas according to the State-opposite party, it is lease-hold land and the lease expired in the year 1996. The parties relied on the documents annexed with their affidavits in support of their contentions.

8. It appears that mutation was granted in favour of the predecessor-in-interest of the petitioner. Relying on the judgment of Shishir Kumar Chakravarty (supra), the writ petition filed by the petitioner being W.P.C. No. 3202 of 2010 was disposed of on 1.9.2010 remitting the matter back to the Circle Officer, Ranchi. Petitioner was given liberty to make fresh representation for mutation along with the documents of valid transfer in his favour and the judgments relied by him. Accordingly, petitioner made a fresh representation which was registered as Case No. 1 of 2010-11 in the office of Circle Officer, Ranchi. Such application has been rejected on 28.10.2010 on the ground that petitioner has not applied for mutation properly and has not annexed the documents of transfer; and further, the land in question is a lease-hold land, and therefore, the prayer for mutation was rejected.

9. Prima facie the Circle Officer, Ranchi has disobeyed the order of this Court. He

is directed to file a show-cause by 26th March 2012 as to why proceeding for contempt be not initiated against him. He will appear in person along with the original records of this case on the next date. Put up this case on 30th March 2012. As prayed, let a copy of this order be handed over to Mr. P. K. Singh, counsel appearing for the State.