
(2016) 06 JH CK 0075
In the Jharkhand High Court
Case No : W.P.(C) No.2147 of 2014

Arjun Sharma

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 13-06-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 JBCJ 237 : (2016) 4 JCR 583

Hon'ble Judges : Mr. Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Mr. Md. Sajid Yunus, Advocate, for the Appellant; J.C. to G.P.I, for the Respondent

Final Decision : Disposed Off

Judgement

Mr. Aparesh Kumar Singh, J.— Heard learned counsel for the parties.

2. The Circle Officer, Sadar, Hazaribagh issued a family certificate on the application of the petitioner vide memo no.85 dated 14.05.2013 (Annexure-3). It transpired subsequently on objection filed by one Manohar Rana son of Shri Kishori Rana of village Korrah that the family certificate issued was not proper and that petitioner did not come in the genealogy of his family. An important fact that the petitioner had asserted on affidavit vide Annexure-1 relating to the descendants of the common ancestors Manki Badhai (deceased) about the death of Budhan Badhai (issu-less) was found to be incorrect. This suppression of correct fact had led to the issuance of the family certificate vide Annexure-3 which has been revoked by the Circle Officer, Sadar, Hazaribagh through memo no. 1811 dated 21st December, 2013 (Annexure-7) (impugned herein).

3. Petitioner has assailed the same on the ground that it has been in violation of the principle of natural justice without giving due opportunity to him to present all relevant material facts and supporting documents.

4. This contention of the petitioner has been opposed by the respondents by

stating that the petitioner had very cunningly suppressed the fact showing Budhan Badhai as died issue-less in the genealogical table furnished by him by applying for family chart duly obtained from the certificate of Mukhiya Gram Panchayat Barasi. One Manohar Rana son of Kishori Rana had filed the objection petition categorically stating that he is the descendant of Budhan Badhai hailing from the branch of Manki Badhai. The genealogical table was furnished by the petitioner before the Deputy Commissioner, Hazaribagh and Manohar Rana shown as one of the descendants of Janki Badhai, was none else but the son of Budhan Badhai who has not died issue-less but has died leaving behind his legal heirs who started living at village Bhusai, Ichak. On the objection filed by Manohar Rana an enquiry was set up by the Circle Officer and he came to the conclusion that the petitioner had succeeded in getting family chart from the office of Circle Officer, Sadar Hazaribagh with some illegal motive. This has led to cancellation of the family certificate.

5. According to the respondents, petitioner was given ample opportunity to be heard and was asked to produce relevant papers concerning lands of Khata No.57 of village Korrah, but no paper has been filed to show his bona fide. Respondents have, therefore, defended the impugned order. They have also pointed to the affidavit showing incorrect family chart furnished by the petitioner in a fraudulent manner to obtain family certificate from the office of the Circle Officer, Sadar, Hazaribagh.

6. These contentions of the respondents do not stand refuted by the petitioner through any rejoinder, though the counter affidavit has been filed in March, 2015 itself. Petitioner has sought issuance of a family certificate from a public authority who is entrusted with onerous responsibility to be faithfully discharged on the basis of materials and supporting documents furnished and enquiry conducted in that behalf. There is a grave risk attached if such applications are not supported with bona fide documents and without suppression of relevant correct facts. Issuance of family certificate by a Circle Officer itself may give rise to a claim on the part of the descendants of the common ancestors to seek relief in respect of rights arising out of properties and other matters, etc. which may be highly contested by rival parties.

7. In such circumstances, when a very relevant important fact relating to assertion of the petitioner about one of the descendants of Manki Badhai, Budhan Badhai having died issueless has been found to be incorrect after enquiry on an objection by one person Manohar Rana, the Circle Officer, Hazaribagh cannot be faulted for revoking the family certificate earlier issued in favour of the petitioner. This Court would refrain in exercising its discretionary power to grant relief to such a person. Such questions also fall in the realm of disputed question of facts which may be raised before the competent court of law which can determine such issues of facts on the basis of evidence after due opportunity to the affected parties.

The other person Manohar Rana is also not a party in the present writ petition.

8. In the background of the discussion made and for the reason recorded herein above, this Court is not inclined to exercise its discretionary jurisdiction in the matter and interfere with the impugned order. Accordingly, the writ petition is dismissed.