
(2012) 12 JH CK 0010
In the Jharkhand High Court
Case No : Writ Petition (S) No. 6114 of 2009

Bhuneshwar Pandey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-12-2012

Acts Referred:

Citation : (2013) 2 JLJR 55

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Jay Prakash Pandey, for the Appellant; Shyam Narsaria for the State, for the Respondent

Final Decision : Dismissed

Judgement

Narendra Nath Tiwari , J.—The petitioner has prayed for quashing the order dated 8.9.2009 passed by the Sub-Divisional Officer, Birani, Giridih in Misc. Case No. 16/04-05/LR 289/05-06/163/07-08, whereby learned Sub-Divisional Officer has directed for correcting the entry in the Zamabandi and Register-II in the name of Shri Shri 108 Thakur Ji Maharaj at page No. 176 of Volume-I of Register-II of Birani Anchal. According to the petitioner, his name was entered long back in Register-II. By the impugned order learned Sub-Divisional Officer, Giridih has directed to remove his name from the Zamabandi. The order amounts to cancellation of long running Zamabandi and is illegal and without jurisdiction.

2. The respondents have opposed the writ petition by filing counter affidavit. In the counter affidavit it has been stated, inter alia, that some of the villagers of Villages-Simradhab and Palounjia, P.S.-Birani, District-Giridih had donated their lands measuring an area of 20 acres of Khata No. 57 of Village-Simradhab to Lord Shri Shri Thakur Jee of Thakurbari of village-Palounjia for regular Puja and Bhog of Thakurjee and for maintenance of the temple. Since thereafter, Shri Shri 108 Lord Thakur Jee is the absolute owner of the said donated land. Accordingly, Zamabandi was created in Register-II in the name of Shri Shri 108 Thakur Jee. The petitioner, who happens to be the Pujari, illegally and fraudulently managed

to get his name introduced in Register-II in collusion with the then Halka Karamchari in order to claim personal right over the said property of Shri Shri Thakur Jee. When it was detected by some of the villagers, they protested by filing application before the Anchal Adhikari, Birani. The matter was inquired into and on detection of the same, the impugned order has been passed restoring the original entry by removing the petitioner's name from the record.

3. It has been submitted that the interpolation made in the record has been corrected by the impugned order after giving notice and opportunity of hearing to the petitioner. The petitioner could not bring on record any supporting document to justify insertion of his name in Register-II.

4. Learned counsel appearing on behalf of the respondents submitted that entry of the petitioner's name was fraudulent and in collusion with the Halka Karamchari. No right accrues to the petitioner by means of such fraudulent entry and interpolation in the original Register-II.

5. I have heard learned counsel for the parties and perused the record. Though the petitioner has claimed that his name was entered long back along with the name of Shri Shri Thakur Jee, no document has been brought on record to show that the petitioner has got any right or independent possession over the land in question. The entry of his name is said to be inserted subsequently and is, not supported by any document. Even in the writ petition there is no specific averment regarding acquisition of the said property by him.

On perusal of the impugned order, I find that learned Sub-Divisional Officer has discussed the facts and materials on record in detail and has passed reasoned order. By the said order he has corrected the original entry in the Zamabandi in the name of Shri Shri Thakur Jee which was illegally interfered with.

I, therefore, find no arbitrariness or illegality in the impugned order. This writ petition is, accordingly, dismissed.