

(2013) 07 JH CK 0197

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1623 of 2007

Chandradeep Yadav and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-07-2013

Acts Referred:

Citation : (2013) 3 AJR 657

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : R.C. Khatri, for the Appellant; Manjul Prasad, SC L and C, for the Respondent

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the petitioner as well as State. It is the contention of the petitioner that the proceeding for settlement of land of survey plot No. 316 of ward No. 2 of Chaibasa Municipality having an area of 34 decimals, vide T.K.M. Case No. 8(s) of 1990-91, has not been finally disposed of one way or other.

2. According to the petitioners, petitioner No. 1 is a freedom fighter and residing over the said plot since 1948. He made an application before the respondent No. 4, Land Reforms Deputy Collector, Sadar, Singhbhum West, Chaibasa for settlement of the land of survey plot No. 316 of ward No. 2 of Chaibasa Municipality on 23rd August, 1990, which was registered as TKM Case No. 8(s) of 1990-91. A report was called for from the Karamchari by order dated 1st November, 1991. Counsel for the petitioner submits that in the meantime recommendations for settlement of the, said land were also made in favour of the petitioner by the then State Health Minister, Ward Commissioner of Ward No. 2, the then Revenue Minister and also the Member of Parliament to the said constituency, vide Annexures 2, to, 5 respectively. According to the petitioner the proceeding has not yet reached finality and the petitioner has been made to run from pillar to post. He submits that a report was also furnished by the Kanungo, Revenue Section, Chaibasa recommending settlement of the aforesaid land in his

favour, vide Annexure 8 dated 30th September, 1996. However, no such settlement had ever been made. Thereafter, the petitioner has no option but to approach this Court in the present writ petition.

3. Respondents have earlier filed a counter-affidavit denying the claim of the petitioner that he was in possession of the land from 1948 and further relied upon the letter No. 307 dated 23.6.2004 issued by the Land Reforms Department, Government of Jharkhand whereunder a complete ban was imposed by the Government in the matter of settlement of such lands to any individual or any organization. The respondents thereafter were granted time to bring on record the aforesaid letter dated 23.6.2004, which has been brought on record by way of supplementary counter-affidavit filed on 30.11.2012 by the Circle officer, Sadar Chaibasa. It is contended on behalf of the respondents that because of paucity of Khas Mahal land in urban areas and semi urban areas a direction had been issued by the Commissioner cum Secretary of the Revenue Land Reforms Department, Government of Jharkhand to all Deputy Commissioners not to settle Khas Mahal Government lands to any individual person or private organization.

4. In response to the said affidavit, the petitioner has filed a rejoinder wherein he has stated that even after the application made by him, which was registered as TKM Case No. 8(s) of 1990-91, the settlement of the land had been made in favour of one or other persons whose names have been disclosed in para 4 of the said rejoinder. It is submitted that the respondents have not been following uniform terms and policy in the matter and the petitioner has a genuine case for settlement being a freedom fighter and recommendations have also been made in his favour.

5. I have heard counsel for the parties at length.

6. It is not in dispute that a TKM Case No. 8(s) of 1990-91 was initiated on the application of the petitioner seeking settlement of survey plot No. 316 of Ward No. 2 of Chaibasa Municipality having an area of 34 decimals. However, it also appears that no final order has been passed in the said case by the competent authority i.e. Khas Mahal Officer, West Singhbhum, Chaibasa. The petitioner has also relied upon recommendations made in his favour.

7. The respondents have denied the aforesaid claim of the petitioner by relying upon the letter dated 23.6.2004, Annexure A to the supplementary counter-affidavit, which has been referred to hereinabove.

8. On the other hand, the petitioner has given instances of settlement of Khas Mahal lands in favour of some persons in the district of West Singhbhum.

9. In these circumstances, it appears that since the matter is pending to be finally decided one way or other by the competent authority, it is appropriate that the respondents be directed to conclude the aforesaid proceeding in TKM Case No. 8(s) of 1990-91 after hearing the petitioner as also taking into regard all

such attendant materials, reports and the materials produced on behalf of the petitioner as well. Since the case is said to be pending before the respondent No. 5, Khas Mahal Officer, Singhbhum West, Chaibasa, he shall proceed to decide the aforesaid case after hearing the petitioner within a period of 16 weeks from the date of receipt/production of a copy of this order in accordance with law. It is made clear that any observation made hereinabove, shall not be treated as a comment on the merit of the case of either parties. This writ petition stands disposed of.