
(2025) 07 JH CK 1237
In the Jharkhand High Court
Case No : W.P. (C) No. 4098 Of 2024

Deepak Kumar Roy

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 07-07-2025

Acts Referred:

Code of Civil Procedure, 1908 — Order 22 Rule 10A

Citation : (2025) 07 JH CK 1237

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Pratyush Tiwary, Anuj Burman

Final Decision : Allowed

Judgement

Gautam Kumar Choudhary, J

1. The application for mutation of the petitioner was ordered in his favour by the Circle Officer, Katkamdang on 12.09.2023 in Case No.9/23-24 with respect to a piece of land, which he claims to have acquired by registered sale deed from vendor which was allotted as a share in Title (Partition) Suit N.45/1926.
2. Strangely enough, the Circle Officer (respondent no.6) by the impugned order dated 21.02.2024 has rejected the application for online mutation. It is argued that incumbent Circle Officer cannot review the order passed by his predecessor.
3. It has been alleged that the said online mutation was rejected on extraneous consideration by demanding illegal gratification from the petitioner.
4. An order passed by a competent authority cannot be reviewed unless, it is set aside in appeal or revision by a competent authority. In the present case, there appears to be an order of mutation passed by the Circle Officer and when the petitioner moved his successor for online mutation, the same is being turned down which is ex facie without jurisdiction. In view of the flagrant contradiction between the two orders, the impugned order is not sustainable which is

accordingly, set aside.

5. The Circle Officer is directed to pass order afresh within four weeks of the communication order, failing which he shall be liable to pay cost of Rs.50,000/- to the petitioner which can be realized as a Money Decree of a Civil Court.

6. Let a copy of this order be communicated to the Deputy Commissioner, Hazaribagh to look into the matter, hold preliminary enquiry and if there is any malafide, to take appropriate action against the Circle Officer.

7. Let the order be communicated forthwith.

Writ Petition is allowed. Interlocutory Application, if any, is disposed of.