
(2007) 01 JH CK 0012
In the Jharkhand High Court

Girish Deo Pandey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-01-2007

Acts Referred:

Chotanagpur Tenancy Act, 1908 — Section 71, 71A

Citation : (2007) 2 JCR 64

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—Heard the parties.

2. In this writ application the petitioner has prayed for quashing the order dated 30th September, 1997 passed by the Special Officer Schedule Areas Regulation, Ranchi (respondent No. 3) directing restoration of 0.33 Acres of land appertaining to Survey Plot No. 1749, Khat No. 329 situated at village Misirgonda, P.S. Gonda, District Ranchi in purported exercise of power u/s 71 of the Chhotanagpur Tenancy Act.

3. It appears that a proceeding u/s 71A of Chhotanagpur Tenancy Act was initiated on the basis of report of the Circle Officer. Subsequently, the respondent in whose favour land was to be restored became party in the said case being S.A.R. case No. 10 of 1992.

4. Learned Counsel for the petitioner submitted that notice of the restoration proceeding was never served upon him and the Court below proceeded exparte without proper service of notice upon the petitioner. Learned Counsel further submitted that restoration proceeding was initiated against one Gir Deo Pandey, s/o Ram Kumar Pandey, whereas petitioner's name is Girish Deo Pandey, s/o Late Ram Pukar Pandey.

5. From the order-sheet, which has been filed by the petitioner as Annexure-11

to the writ application, it does not appear that proper notice was served upon the petitioner as also there is nothing on record to show that when notice was published in the newspaper and what was the date fixed for appearance in the said proceeding.

6. Considering the entire argument and the documents filed by the parties, I do not find any justification to affirm the impugned order passed by the Special Officer. The matter needs reconsideration by the concerned respondent.

7. For the aforesaid reasons, this writ application is allowed and the impugned order is set aside. Petitioner is directed to appear before the Special Officer, Schedule Areas Regulation, Ranchi within six weeks from today and file show cause. The Special Officer, thereafter, shall proceed to decide the matter in accordance with law.