

(2025) 04 JH CK 1350
In the Jharkhand High Court
Case No : Writ Petition (C) No .798 Of 2025

Gopal Bhadani

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 17-04-2025

Acts Referred:

Citation : (2025) 04 JH CK 1350

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Ashok Kumar Sinha, Anshuman Kumar, Rakesh Kumar Roy

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

1. Things appear to have come to such a passe that extraordinary writ jurisdiction is being invoked by the citizens for direction to the Circle Officer to accept the mutation application.

2. This is exactly the prayer for which the instant writ petition has been filed as respondent no.3- Circle Officer, Koderma has not accepted mutation application consequently, it has been sent on 05.09.2024 by registered post.

3. It is submitted by learned counsel that the land pertains to Khata No.31, Plot No.22 & 22/257, Thana No.246, P.S. Telaiya, Mouza Belatand under Jhumri Telaiya Municipal Area measuring total area 1.47 decimals, which was purchased by the petitioners on 22.06.2009. Vendor had purchased the said land by registered sale deed no.1676 dated 31.03.1947. After the said purchase, this land was declared to be in the prohibited list from being mutated vide memo no.2620 dated 29.09.2011 and so earlier there was a bar to its mutation. Now the said letter imposing restriction of mutation has been quashed by the order of this Court passed in W.P.(C) No.7259 of 2023.

4. Petitioners are seeking the indulgence of this Court for appropriate direction so

that his representation earlier filed, be disposed of as per law.

5. Learned counsel, Mr. Rakesh Kumar Roy appears on behalf of the State seeks adjournment to file counter affidavit.

6. At this stage, the prayer made on behalf of petitioners do not raise any disputed question of fact as no final order has been passed by the Circle Officer on the representation filed by the petitioners, therefore there is no point in allowing adjournment for filing of counter affidavit.

7. Respondent no.3- Circle Officer, Koderma, is under a statutory duty to dispose of the application for mutation submitted by the petitioners for which the instant writ petition has been filed.

8. Under the circumstance, respondent no.3- Circle Officer, Koderma is directed to dispose of the representation dated 05.09.2024 (Annexure 5) copy of which is being enclosed herewith within eight weeks of the order.

9. In order to prevent any further delay, in the event of non-compliance with the order within stipulated time, respondent no.3- Circle Officer, Koderma will be personally liable to pay a cost of Rs.25,000/- to the petitioners.

10. Let a copy of this order along with the representation be communicated to the respondent no.3- Circle Officer, Koderma without delay.

11. The petitioners will appear before the respondent no.3- Circle Officer, Koderma on 28th April, 2025 at 10:30 a.m. in his office.

Writ petition stands disposed of. Interlocutory Application, if any, is disposed of.