
(2002) 03 JH CK 0004

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1824 of 2002

Gulam Quadir Ansari

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0004

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : M.B. Lal, for the Appellant; R.K. Merathia, G.P. II and A.B. Mahata, J.C. to G.P. II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the petitioner with grievance that the Circle Officer. Dhanbad in spite of his filing application for mutation of land in question measuring 53 decimals out of 69 decimals of Plot No. 59 & 60. Khata No. 4 and Plot No. 47 under Khata No. 20 of Mouja-Amarpur, is not registering and determining the claim.

2. The counsel for the Slate referred the guidelines of the State to suggest that a land outside the State cannot be mutated in favour of one or the other.

3. On the other hand, according to the counsel for the petitioner, the Circle Officer cannot reject the application for mutation on sue h ground which is required to be determined only on the basis of possession.

4. This Court at this stage, is not required to determine the issue as to whether the land, in question, is required to be mutated or not in favour of one or other. If an application for mutation is filed, the Circle Officer is bound to register it and determine the claim in one or other way as per law taking into consideration the possession of one or other. The mutation neither creates any right and title nor cancellation of mutation extinguishes right and title of any one or other.

5. In the circumstances, the case is reunited with direction to Circle Officer.

Sadar. Dhanbad to register the mutation application and on hearing the parties, determine it in one or other way on an early date, without being prejudiced by the observations aforesaid.

The writ petition stands disposed of.