
(2023) 01 JH CK 0001

In the Jharkhand High Court

Case No : Writ Petition (C) No. 7504 Of 2011

Md. Imtiyaz Ansari

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 02-01-2023

Acts Referred:

Citation : (2023) 01 JH CK 0001

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : S.N. Das, Apoorva Singh

Judgement

Anubha Rawat Choudhary, J

1. Learned counsel for the parties are present.

2. Learned counsel for the respondents has submitted that as per paragraph 11 of the counter affidavit, a proceeding was initiated being Revenue Misc. Case No. 79/95-96 for cancellation of settlement made in favour of Abdul Kalam and others and ultimately the settlement was cancelled vide order dated 08.03.1997 on account of the fact that the settlement holders changed the nature of land. It was alleged that the condition of the settlement has been violated. The learned counsel also submits that it has been stated in paragraph 25 of the counter affidavit that if the petitioner was aggrieved with the order dated 08.03.1997 passed in Revenue Misc. Case No. 79/95-96, he should have filed an appeal against the said order within a period of 60 days before the competent authority. However, the said order dated 08.03.1997 passed in Revenue Misc. Case No. 79/95-96 has not been brought on record in the counter affidavit. Learned counsel for the respondents has also referred to another order at page No. 22 of the counter affidavit i.e. order dated 04.09.2001 passed by Sub Divisional Officer, Pakur in Revenue Misc. Case No. 54/99-2000, which is also not on record.

3. The petitioner has mentioned about the proceeding regarding cancellation of Jamabandi while formulating the question of law in para 2 (iv) of the writ

petition, but the aforesaid orders mentioned in the counter affidavit is not under challenge in the present proceedings.

4. Considering the fact that both the aforesaid orders referred in the counter affidavit are not on record, learned counsel for the respondents is directed to seek instruction and file a supplementary counter affidavit and bring on record the aforesaid orders. The supplementary counter affidavit be filed latest by 02.02.2023.

5. Post this case on 06.02.2023 under the heading for 'Final Disposal'.