
(2016) 01 JH CK 0208
In the Jharkhand High Court
Case No : W. P. (C) No. 7254 of 2013

Md Samsuddin

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 19-01-2016

Acts Referred:

Bihar Land Reforms Act, 1950 — Section 4(h)
Bihar Land Reforms Rules, 1951 — Rule 4-B

Citation : (2017) 1 JLJR 597

Hon'ble Judges : Mr. Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mr. Shafique Rahman, Advocate, for the Petitioner; Mr. Atanu Banerjee, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Shree Chandrashekhar, J.—Aggrieved by cancellation of Jamabandi, the petitioner seeks quashing of order contained in letters dated 21.04.2012 and 14.10.2013 and order dated 25.10.2013 in Misc. Case No.02 of 2012-13.

2. At the outset, Mr. Atanu Banerjee, the learned G.A. raising a preliminary objection to the maintainability of the writ petition submits that in Misc. Case No.02 of 2012-13, final order has yet not been passed and only a recommendation for cancellation of Jamabandi has been forwarded to the State Government and thus, the writ petition is premature.

3. The petitioner has claimed that the land in question was settled in the name of his father through "Sada Hukumnana" and rent receipt was issued in the year, 1942. On an application by the petitioner for issuance of rent receipt, Misc. Case No.02 of 2010-11 was initiated. The said proceeding concluded vide order dated 24.06.2011 whereby, application of the petitioner stood allowed. It appears that on 21.04.2012, the Divisional Forest Officer wrote letter to the Deputy Commissioner, Hazaribagh seeking quashing of order dated 24.06.2011. On the said application, a proceeding was initiated vide Case No.02 of 2012-13 in which,

recommendation for cancellation of Jamabandi in respect of 8.05 acres land comprised in Plot Nos.626 and 628 within Khata No.64, Mouza Jalima was forwarded to the Additional Collector, Hazaribagh. It is not in dispute that in Misc. Case No.02 of 2012-13, the petitioner appeared. It appears that vide order dated 25.10.2013 in Misc. Case No.02 of 2012-13, a recommendation for cancellation of Jamabandi in respect of 8.05 acres land comprised in Plot No. 626 and 628, Mouza Jalima within Khata No.64 has been made to the Additional Collector, Hazaribagh. The petitioner has filed supplementary affidavit dated 19.01.2016 stating that the recommendation for cancellation of the aforesaid Jamabandi has been forwarded to the State Government for its sanction. In view of provision under the first proviso to Section 4(h) of the Bihar Land Reforms Act, 1950 and Rule 4(B) of the Bihar Land Reforms Rules, 1951, if the recommendation for cancellation of Jamabandi is affirmed by the State Government, the petitioner would be at liberty to challenge the same by filing an appeal in terms of first proviso to Section 4(h) of the Land Reforms Act, 1950.

4. The writ petition is held premature, at his stage.