
(2011) 02 JH CK 0015

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4782 of 2004

Smt. Karunawati Devi

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-02-2011

Acts Referred:

Citation : (2011) 02 JH CK 0015

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—The present writ petition has been preferred against the order passed by the revisional authority i.e. by the Commissioner, South Chotanagpur Division, Ranchi dated 18th August, 2003/22nd March, 2004 in S.A.R. Revision no. 86 of 2003, which is at Annexure3 to the memo of the present petition.

2. Having heard learned Counsels for both sides and looking to the facts and circumstances of the case, I hereby quash and set aside the order passed by the Commissioner, South Chotanagpur Division, Ranchi dated 18th August, 2003/22nd March, 2004 in S.A.R. Revision No. 86 of 2003 mainly for the following facts and reasons:

(i) Several points have been argued out in detail by both the counsels about the provisions of the Chotanagpur Tenancy Act and how the property can be purchased under this Act from the hands of the tribal.

(ii) It has also been pointed out that earlier suit of 1963 was ended with compromise. Be as it may, the order passed by the revisional authority is, prima facie, a nonspeaking order and also a cryptic in nature. The said order reads as under:

Heard. Perused the order passed by the learned A.C. And the papers on record. It is a detailed and considered order and as no new fact is likely to come before

this Court the petition is dismissed.

(iii) Looking to the aforesaid order, it appears that no reasons have been assigned. Several points, which are canvassed by the applicant of the revision application, who is present Petitioner, have not been considered at all and such type of application ought not to have been dismissed in limine by the revisional authority.

3. In view of the aforesaid facts, I hereby quash and set aside the order passed by the Commissioner, South Chotanagpur Division, Ranchi dated 18th August, 2003/22nd March, 2004 in S.A.R. Revision No. 86 of 2003 and remand the matter for its afresh decision by the Commissioner, South Chotanagpur Division, Ranchi. S.A.R. Revision No. 86 of 2003 is revived and restored. The Petitioner as well as Respondent No. 5 either in person or through their respective counsels shall approach the Commissioner, South Chotanagpur Division, Ranchi on 7th March, 2011 at 11:30 a.m. Thereafter, the revisional authority may fix further date of hearing of S.A.R. Revision No. 86 of 2003. It is needless to say that the revisional authority will decide the dispute between the parties on its own merits, without being influenced by the earlier order and will deliver speaking order.

4. The writ petition is allowed and disposed of.