
(2020) 02 JH CK 0027

In the Jharkhand High Court

Case No : I.A. No. 1257 Of 2020, Writ Petition (C) No. 1263 Of 2015

Subrato Dutta And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 12-02-2020

Acts Referred:

Bihar Land Reforms Act, 1950 — Section 4(h)

Citation : (2020) 02 JH CK 0027

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : A.K. Sahani, Ajit Kumar, Vineet Prakash

Final Decision : Disposed Of

Judgement

I.A. No. 1257 of 2020

The petitioners have preferred this writ petition for quashing the entire proceeding of Case No. 01/2014-15 (Annexure-9 to the memo of the writ

petition) initiated for proposal of construction of Sub-Divisional Offices and residences over the petitioners' land measuring an area of 7.10 acre

appertaining to RS Plot No. 504 under RS Khata No. 732 in Mouza Bundu under Thana No. 28 without acquisition of the said land. Further, entire

proceeding of Case No. 05/2014-15 initiated under Section 4 (h) of the Bihar Land Reforms Act, 1950 has also been challenged in this writ petition.

Mr. A.K. Sahani, assisted by Mr. Ajit Kumar, Learned counsel for the petitioners submits that without any notice to the petitioners the respondents

wanted to construct the buildings on the plot of the petitioners and that is why this writ petition has been filed by the petitioners. He further submits

that the initiation of aforesaid proceeding is without jurisdiction as the petitioners were in possession of the plots in question and Jamabandi has also

been created in favour of the petitioners. He further submits that during pendency of the writ petition Jamabandi has been cancelled, which is confirmed by the State Government vide Letter dated 29.07.2015 and due to which this Interlocutory Application has been filed for incorporation of amendment in the writ petition to the effect that approval of the State Government contained in Letter dated 29.07.2015 with respect to Jamabandi is also challenged.

Mr. Vineet Prakash, A.C. to S.C.(L&C)-I, learned counsel appearing for the respondent State submits that Jamabandi has already been cancelled and said cancellation is confirmed by the State Government vide Letter dated 29.07.2015. He further submits that cancellation of Jamabandi was confirmed in the year 2015 and this amendment petition is filed in the year 2020. It is further submitted that nature of the writ petition will entirely change if the amendment is allowed.

As a cumulative effect of the aforesaid facts and submissions made by counsel for the parties, this court finds that the petitioners have challenged the initiation of a proceeding with respect to land of the petitioners in this writ petition. Subsequently Jamabandi with respect to the said land was cancelled and the cancellation was also confirmed by Letter dated 29.7.2015 by the State Government. This has happened in the year 2015, whereas this amendment petition is filed in the year 2020 and in view of this further development, if it is allowed, the entire nature of the prayer made in this writ petition will change.

Therefore, this Interlocutory Application is accordingly dismissed.

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In view of the further development in this matter that Jamabandi with respect to the land of the petitioners was cancelled and the cancellation was confirmed by the State, no relief can be extended at this stage to the writ petitioners.

However, if the petitioners so desire, they may take appropriate steps with regard to cancellation of their Jamabandi.

This writ petition is disposed of with aforesaid observation and direction.