

(2012) 02 JH CK 0157

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1504 of 2008

Syed Shahab Ahmed

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 02-02-2012

Acts Referred:

Citation : (2012) 2 JLJR 399

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Narendra Nath Tiwari

1. The grievance of the petitioner is that the respondents are not granting rent receipt, though his name has been mutated by the competent authority and correction slip has been issued in his favour. It has been submitted that after mutation, rent was paid by the petitioner's father for several years. Rent receipt was also issued in the name of his father. After death of petitioner's father, the petitioner being the son and the legal heir applied for mutation of his name in Mutation Case no. 2/92-93 before the Circle Officer, Ranchi. After due enquiry and observing all the legal formalities, prayer for mutation was allowed in his name in respect of the land of Plot no. 3654 appertaining to Khata no. 194/560 of village-Samaliya, District-Ranchi. The correction slip has also been issued(Annexure-6), but the respondents are not granting rent receipt. It has been further submitted that the respondents are bound to accept rent and issue rent receipt in favour of the petitioner.

2. Learned S.C.(Mines), appearing on behalf of the respondents, opposed the petitioner's writ petition and submitted that though it is an admitted fact that in the register-II, the name of the father of the petitioner was running as tenant in respect of the said land, since the land was Gairmajurua Malik land and it is not known as to under what authority, register-II was opened in favour of the

petitioner's father and how rent receipts were granted to him for several years, the concerned authority under that circumstance, refused to accept the rent. There is no arbitrariness or illegality in the said order of refusal.

3. I have heard Learned Counsel for the parties. It is an admitted fact that the petitioner's father was recorded as tenant in Registrar II in respect of the said land and rent receipts were granted to him on accepting rent. After his death, the petitioner's application for mutation was allowed and correction slip has been issued by the Circle Officer, Kanke. Admittedly, the order of mutation has not been set aside or altered by any higher authority/Forum.

4. In view of the above, when the State has accepted the petitioner as tenant and before him, the father of the petitioner was recognized as tenant in respect of the land in question, the respondents have no reason to refuse acceptance of rent from the petitioner.

5. Recognition of a person as raiyat in respect of a land confers a valuable right on him. Such right has an element of title to the land. The same cannot be lightly denied and interfered with.

6. It has been consistently held that the Revenue Authority has no jurisdiction to cancel a long running jamabandi. If the jamabandi is running in the name of the petitioner's father and now the petitioner's name has been mutated as raiyat in respect of the said land, acceptance of rent and grant of rent receipt cannot be denied by the authority in absence of any contrary order/decreed of a competent court of law. In view of the above, this writ petition is allowed. The Circle Officer, Kanke is directed to accept the rent of the petitioner and grant rent receipt, if there is no contrary order, as aforesaid.