IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 781 of 2020

Arun Kumar Gadhyan (Agarwal) ... … Petitioner

Versus

1. The State of Jharkhand, through the Secretary, Department of Revenue, Registration and Land Reforms
2. Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand
3. Inspector General of Registration, Department of Revenue, Registration and Land Reforms
4. District Sub-registrar, Dhanbad, Department of Revenue, Registration and Land Reforms, Dhanbad
5. Commissioner, North Chhotanagpur Division, Dhanbad
6. Deputy Commissioner-cum-Collector, Dhanbad
7. Land Reforms Deputy Collector, Dhanbad
8. Circle Officer, Nirsa, District-Dhanbad

… … Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner :- Mr. Pandey Neeraj Rai, Advocate

For the State :-A.C. to Sr.S.C.-III

Order No. 04 **Dated: 07.07.2020**

The present case is taken up through video conferencing.

2. The present writ petition has been filed for quashing and setting aside the proceeding initiated vide Case No. 4(H) 104/15-16 under Section 4(h) of the Bihar Land Reforms Act, 1950 (in short, "the Act, 1950") and the notice as contained in memo no. 1021 dated 07.09.2015 (Annexure-7 to the writ petition) issued by the Land Reforms Deputy Collector, Dhanbad (the respondent no. 7) as the same is without jurisdiction, arbitrary and irrational.

3. Heard learned counsel for the parties.

4. The factual background of the case as stated in the writ petition is that a piece of land ad-measuring an area of 23 bighas (equivalent to 7.66 acres) situated in CS Khata No. 41, Plot No. 653, Mouza-Kalimati, Mouza No. 238 originally belonged to the ex-landlord of Pandra Raj Estate namely Raja Shyam Sundar Singh which was settled in favour of Sheikh Asmat Ali Mistry alias Santali Mistry and his wife Hamidan Bibi much before 01.01.1946. After the death of Shiekh Asmat Ali, his two widows namely Hamidan Bibi and Sabiran @ Chhabiran Bibi came in possession of the said land. The petitioner's father Mahabir Prasad Gadhyan @ Mahabir Prasad Agarwalla

purchased 16 bighas out of the said land from Hamidan Bibi and Sabiran Bibi on 21.12.1963 by way of two registered sale deeds. In the final publication of Record of rights made by the Settlement Officer, Dhanbad, 16 bighas of land has been shown to be recorded in the name of the petitioner which has attained finality as the same remained unchallenged. However, a proceeding under section 4(h) of the Act, 1950 has been initiated against the petitioner being Case No.4(H)104/15-16 referring to old Plot No.653 i.e pre-revisional survey alleging that the said land is of 'Gair-Abad Khata' and notice has been issued to the petitioner by the respondent no. 7 .

5. The petitioner himself has stated in paragraph-12 of the present writ petition that he has already submitted his objection/show cause on 29.04.2016, however the respondent authorities have not taken any decision on the same since then.

6. Considering the aforesaid facts mentioned by the petitioner in the writ petition, without entering into the merit of the dispute, the Collector authorized under Section 4(h) of the Act, 1950 is directed to take an appropriate decision in the matter in accordance with law after providing due opportunity of hearing to the petitioner/his representative within a period of four months from the date of receipt/production of a copy of this order.

7. The writ petition is accordingly disposed of with aforesaid observation and direction.

(Rajesh Shankar, J.)

Ritesh/