IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 7429 of 2023

Nilam Kumari aged about 59 years wife of Dr. Ashok Kumar Choudhary resident of Ratan Residency, Flat No.302, Harmu Road, Harmu Chowk, Harmu, P.O. Harmu, P.S. Argora, District Ranchi (Jharkhand) ....Petitioner

Versus

1. State of Jharkhand
2. Secretary, Revenue, Land Reforms and Registration, Project Building, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.
3. Deputy Commissioner, Ranchi, P.O. G.P.O., P.S. Kotwali, District Deoghar.
4. Circle Officer, Namkum, P.O. and P.S. Namkum, District Ranchi. ....Respondents

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Amar Kr. Sinha, Adv.
Mr. Sumit Kumar, Adv.
For the Resp.-State : A.C. to S.C.(L&C)-II

05/Dated:-04.12.2024

Heard learned counsels for the parties.

2. The instant writ application has been preferred by the petitioner praying for a direction upon the respondent authorities, especially, respondent No.4 to accept rent and issue rent receipt forthwith to the petitioner with respect to the lands indicated in the prayer portion of the instant writ application.

3. Learned counsel for the petitioner submits that the petitioner had purchased the land way back on 08.08.2002, the detail of which is given in Annexure-1. Pursuant thereto she applied for mutation and a correction slip was duly issued in her favour mutating her name in the revenue records and thereafter,

up till 2014, rent receipts were regularly issued to the petitioner. However, since then, for the reason best known to the respondents, the rent receipts are not being issued in spite of several requests by the petitioner. One of such requests is made by way of representation dated 30.09.2020 (Annexure-3). When nothing happened, the petitioner knocked the door of this Court.

4. Learned counsel for the petitioner submits that the case of this petitioner is fully covered by the judgment rendered in the case of *Attaul Haque v. The State of Jharkhand* in *W.P.(C) No. 2516 of 2017* which has been upheld by the Division Bench of this Court in *L.P.A. No.281 of 2019*; as such, necessary mandamus be issued to the respondent No.4 to accept the rent and issue rent receipt forthwith.

5. Learned counsel for the respondents submits that since no counter affidavit has been filed; as such, the petitioner may approach the respondent No.4 once again, who shall do the needful after verification of records.

6. Having heard learned counsels for the parties, it appears that the petitioner had purchased the land way back in the year 2002 and thereafter, duly applied for mutation whereby a correction slip was duly issued mutating the name of the petitioner vide Annexure-2. However, for the reason best known to the respondents, subsequently, accepting the rent and issuing the rent receipt has been stopped by the respondents and they have also not responded to the representation made by the petitioner.

7. Having regard to the aforesaid facts and

circumstances, the instant writ application is hereby disposed of by directing the respondent No.4 to treat this writ application as representation and take a decision in the matter with regard to issuance of rent receipt, if there is no other legal impediments. The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

It goes without saying that the issue has already been decided in the case of *W.P.(C) No. 2516 of 2017* which has also been confirmed in *L.P.A. No.281 of 2019* in which the law has already been settled that even if the State has any grievance with regard to right, title and interest, it would also have to knock the door of Civil Court of competent jurisdiction and *suo motu* it cannot stop accepting the rent because issuance of rent receipt is only with respect to accepting the rent towards the property in question.

8. With the aforesaid observation, the instant writ application stands disposed of.

(Deepak Roshan, J.)

vikas/-