

IN THE COURT OF
DEPUTY COMMISSIONER-CUM-DISTRICT MAGISTRATE, GIRIDIH

Miscellaneous Revision Case No. 13/2011

Jodhan Rajak & others vs Prakash Pandey

ORDER

13.07.24 This case has been filed against the order of Additional Collector, Giridih in Miscellaneous Case No.15/2008-09 Prakash Pandey vs Jodhan Rajak dated 15.02.2010 as Miscellaneous Appeal Revision Case No.13/2011. From the perusal of LCR of Additional Collector Giridih and Land Reforms Deputy Collector Giridih, points and arguments submitted/ given by Ld. Advocates of both parties and various documents available on record, the following points are observed:

The party in this case Prakash Pandey s/o Late Chhatradhari Pandey Address- Palmo, P.S. Hirodih Giridih has claimed about the land measuring 1.60 acres in Mauja- Palmo, Khata No.150, Khesra No.354, Gair Majrua Khas as per Survey Khatiyaan. He claims that it was received by his father by way of Hukumnama Bandobasti of erstwhile Zamindaar and has mentioned about various documents such as Zamindari Return issued on the basis of Compensatory case No.5561/1956-57, Jamabandi in Register-II, Government Revenue Receipts etc. He has mentioned that Land Settlement (Bandobasti) done in favour of Champa Devi, wife of Jodhan Rajak through Land Settlement Case No.18/2002-03/L.R.22/2002-03 which is land measuring 0.60 acres out of the same plot of land mentioned above, is unlawful since it has been done without proper enquiry and site inspection and that Parwana Parcha issued in the name of Champa Devi must be cancelled. He has also claimed that he is in possession of the plot of land mentioned and that Champa Devi is not in possession of the said land.

The other party Jodhan Rajak (husband of Champa Devi) claims that the said land measuring 0.60 acres has been allocated to them after due enquiry and after following due process and that Land Settlement of that plot of land, being a parti government land was done in their favour and Jamabandi has been created in Register-II and they have been paying rent to government through revenue receipt. They also mention about the issue of threatening by the other party, hence their certifying an affidavit, which they have requested to be cancelled.

Land Reforms Deputy Collector (LRDC) Giridih mentions that upon enquiry about the certified copy of Zamindari Return in the Compensatory case No.5561/1956-57 in Circle Office Jamua, it was cross-checked with the original Zamindari Return, it was found out to be suspicious and illegal. Thus LRDC Giridih ordered that illegal jamabandi created in Register-II shall be cancelled and that possession of 0.60 acres of said land shall be given to the party Jodhan Rajak.

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Additional Collector Giridih has mentioned that the party Jodhan Rajak has failed to appear in his court and give evidences or documents in his favour. He mentions that Circle Officer (CO) Jamua has reported in favour of the claim of Prakash Pandey s/o Late Chhatradhari Pandey and that Champa Devi (w/o Jodhan Rajak) does not have possession over the said plot of land, whereas the other party Prakash Pandey has possession over the said land. AC Giridih has mentioned that as per report of CO Jamua, there is no logic in settling land to Champa Devi which was already settled to the other party.

Both the parties have submitted a Compromise Petition dated 15.06.2017 on which opinion of Ld.G.P. was sought. Ld.G.P. through his letter dated 07.12.2018 has mentioned "While passing order dated 26.12.2008 in Miscellaneous Case No.121/2008-09 Deputy Collector Land Reforms observed that he compared certified copy of return filed on behalf of Prakash Pandey from its original and found there are manipulation and overwriting in the same which is a very serious matter. From the record, it also appears that there are official report that Jodhan Rajak is not in possession over his settled land and now both the parties have filed compromise petition waiving their right, title, interest and possession of certain portion of their land to each other which is violation of provision of Transfer of Property Act as well as Registration Act." He has futher submitted that "enquiry u/s 4(h) of Bihar Land Reforms Act is necessary in respect of 1.60 acres of land as claimed by Prakash Pandey and proceedings u/s 63 B of Chotanagpur Tenancy Act is necessary to be instituted in respect of 60 dec. of land as claimed by Jodhan Rajak for cancellation of settlement and jamabandi of both the parties".

Both the parties have again submitted a Compromise Petition dated 05.12.2023 mentioning the same points of compromise/ agreement as mentioned in their previous compromise petition. Since long, on many dates both the parties seem to lack interest in appearing before the court and arguing on any legal point/ aspect, rather in their final argument both of them have focused on their 'Sulahnama: Compromise Petition'. Ld. G.P. has referred to his opinion given earlier as mentioned above.

Thus on account of the aforementioned points as inferred from the LCR of Additional Collector Giridih and LRDC Giridih, points and arguments submitted/ given by Ld. Advocates of both parties, their compromise petitions, opinion of Ld. G.P. and upon perusal/ examination of the various documents available on record, the court comes to the conclusion that none of the parties appear to have valid claim over the said land, thus the order of Additional Collector Giridih dated 15.02.2010 is set aside/ quashed. It is further directed that enquiry and proceedings u/s 4(h) of Bihar Land Reforms Act be initiated by Circle Officer Jamua, in respect of the said land in Mauja- Palmo, Thana No.296, Khata No.150, Khesra No.354, Gair Majrua Khas (Parti Kadim) measuring 1.60 acres of



land claimed by Prakash Pandey, for cancellation of illegal jamabandi and also proceedings u/s 63 B of Chotanagpur Tenancy Act be initiated by Circle Officer Jamua, in respect of 0.60 acres of land (out of the same plot of land of 1.60 acres) claimed by Jodhan Rajak, to cancel the settlement (bandobasti).

Let a copy of this order be provided to both parties and all concerned.

Dictated and Corrected by me.

Qdy 13/07/24

Deputy Commissioner
cum
District Magistrate,
Giridih

Qdy 13/07/24

Deputy Commissioner
cum
District Magistrate,
Giridih

Memo No. 562, Date 13/7/2024

Copy to: Circle Officer Jamua, Land Reforms Deputy Collector Giridih & Khorimahua and Additional Collector Giridih for information and necessary action.

Qdy 13/07/24

Deputy Commissioner
-cum-
District Magistrate,
Giridih

Qdy 13/07/24

Deputy Commissioner
-cum-
District Magistrate,
Giridih