

20.9.13

The present case relates to cancellation of jamabandi of the following lands:-

Anchal	Village	Khata No.	Plot No.	Area
Ramgarh	Marar	1	533/3	5.00 Acre
			547/2	1.50 Acre
			1405/7	1.50 Acre
			Total	8.00 Acre

The case was initiated by the Circle Officer (C.O.), Ramgarh on the ground that the jamabandi of Harinath Mishra was unauthorised. The C.O., Ramgarh also found that the rent receipts posted in jamabandi of the respondent were fake and forged. In fact, none of them was issued by the Anchal Office, Ramgarh.

Record was then sent to the D.C.L.R. and Sub Divisional Officer who agreed with the recommendation of the C.O., Ramgarh. The Additional Collector, Ramgarh has also examined the record and put up his observation on 18-09-2013. The A.C. has concluded that the current jamabandi of the respondent should be cancelled and land should be resumed under section 4(h) of the Land Reforms Act.

Coming to the entry of the land in the Record of Rights, it is an admitted fact that the land under consideration is Gairmazarua Khas and is recorded as 'Jangle' (Forest).

Notice was issued to the respondent who has filed both the written statement and the arguments. It is submitted that the lands in question were settled in favour of Harinath Mishra by the Ex landlord. Subsequently the Settlee started paying rent to the landlord and after vesting to the State Government. After the death of H.N. Mishra, his son Ramdeo Mishra came in possession of the land. In paragraph 11 of the

argument, the respondent has cited the order of the Additional Collector who ordered the jamabandi to continue. However no copy of such order has been submitted in the present case.

A perusal of the present record shows that the respondent cooked the story of 'Hukumnama' and Zamindari Rent Receipts but produced none at the time of hearing. Not a single government rent receipt has been produced in the record to prove the point of possession and occupancy. The entire written statement and argument are based on imagination and ideas of the respondent for grabbing a land which has vested in the Government.

The C.O., Ramgarh has also stated that the respondent could not produce any document related to the land despite opportunity provided to him. It has been observed that the rent receipts recorded in the Jamabandi of the respondent are fake and forged because such serial number was never issued from the Stock Register of Anchal. In the end, it has been summed up that it is a conspiracy to grab the government land.

In the present case, it is also clear that Jamabandi has been started without any orders of the competent authority. For the first time, a Jamabandi is created when rent is fixed for a particular land by competent revenue authority and then jamabandis keep on running by sale and purchase followed by mutation. No evidence is available in the present case on the origin of jamabandi. It seems that the lower functionary like Karmchari might have entered the name of the respondent without any authority.

In case of L.P.A. No. 425 of 2006, Jagdeo Mahto vs. Commissioner, North Chotanagpur Division Hon'ble Double Bench of the Jharkhand High Court has held on 10-02-2009 that,

*"if an order is found to have been passed by an authority having no jurisdiction or when such order is found to be absolutely illegal based on the apparent error of law, or facts or when it is found to be perverse not based on record, then certainly in such cases Jamabandi running or standing in the name of a particular person can be cancelled by a competent authority but of course after giving proper*

*notice and opportunity of hearing to the party who would be adversely affected."*

More importantly all the plots in the present case are recorded as 'Jungle' in recorded of rights. It is significant to refer to a landmark judgment passed by Hon'ble Supreme Court dated 12-12-1996 in Writ Petn. Civil Nos. 202 of 1995 with 171 of 1996 T.N. Godavarman Thirumulk pad ek. vs. Union of India (1997) S.C./78 (AIR 1997 SC 1228). In the said decision it was held that "*..... the term*" forest land "*occurring in Section 2 will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of ownership .....*" It was further held that all on-going activity within any forest land in any State throughout the country without prior approval of the Central Government, must cease forthwith.

It is thus concluded that the respondent has fabricated documents and framed stories to grab the 'forest land' which is absolutely vested in the State Government. The Jamabandi is unauthorised, illegal and baseless.

In view of aforesaid findings, it is recommended that the existing jamabandi of the respondent should be cancelled. This record may be sent to the Department of Revenue and Land Reforms through the Commissioner, North Chotanagpur Division for approval.

Written and Corrected by

Deputy Commissioner,  
Ramgarh.

Deputy Commissioner,  
Ramgarh.