

# In The Court of Deputy Commissioner, Ramgarh

Miscellaneous Appeal No.- 21/2011

Manish Kumar Agrawal Versus Sailendra Kumar & others

## Order

29.10.13

This miscellaneous appeal is directed against the order dated 12-07-2011 of the DCLR, Ramgarh who had rejected the petition of Manish Kumar Agarwal for cancellation of jamabandi of Shailendra Kumar, Rameshwar Singh Fauzi and Bhola Prasad. The land concerned is as follows :-

S.No.	Village	Khata No.	Plot No.	Area	ROR Entry
1	Kankebar	45	525	22 dec.	Gair Mazarua Khas

The Anchal Adhikari, Ramgarh has reported the existence of multiple jamabandis through Letter No. 626 dated 16-05-2009 :-

- 1) Rati Mahto S/o Bigan Mahto - Page 153/1 - 56 dec.
- 2) Shekh Rasul S/o Noor Mohammad Page 239/1 - 25 dec.
- 3) Satyendra Singh S/o, Dwarka Singh Page 56/II - 6 dec.
- 4) Shailendra Kumar S/o Sidheshwar Sharma - 22 dec.  
Rameshwar Singh Fauzi S/o Bharat Singh  
Bhola Prasad S/o Ganauri Mahto

It is obvious that jamabandi are running for 1.09 acres in Plot No. 525 whereas the total area is just 91 decimals. It is also well settled that land revenue can be collected only for 91 decimals and not for anything more than that.

Another important fact mentioned in the above said report is that the then Circle Officer, Ramgarh had suspended the jamabandis of a) Rati Mahti, b) Sheikh Rasul, c) Dilu Mahto vide Letter No. 155 dated 03-03-2000. The three jamabandis involve 87 deciamls of land.

The circulars issued by the Department of Revenue and Land Reforms of both Bihar and Jharkhand have not authorized the Circle Officer to either create jamanbadi or extinguish jamabandi. Creation of Jamabandi as a result of Rent fixation was under the jurisdiction of the Deputy Collector Land Reforms/Sub Divisional Officer.

Obviously the Circle Officer, Ramgarh had exceeded his limits in suspending the three jamabandis in the year 2000. It is apparently an abuse of discretion and as a result unauthorized and illegal.

The case was heard at length and both the counsels narrated on how the land was transferred from hand to hand over the years. The counsel for the present appellant described that originally rent was fixed in favour of Rati Mahto in 64-65 who sold to Rasul and the latter transferred to Manish Agarwal in 2001 but did not immediately apply for mutation. A case of cancellation of Rent receipt was filed only in 2008.

The learned counsel for the respondents pleaded that the ex land lord had settled entire land to Padmavati Rai who became a tenant of the Governemnt of Bihar, In 1996, Padmavati sold the land to Sajjan Kumar Agarwal whose name was also mutated. Madhu Jain purchased 22 decimnals from Sajjan and leter transferred the same to the three respondents of the present case.

Now the only issue remains to be decided in the present case is whether there is any law for cancellation of Rent Receipt as prayed by the Petitioner in the lower court. Obviously Manish Kumar Agarwal could not show his presence over the purchased land and apply for mutation during the period 2001-2007. It was only in December 2008 that they filed the a in the court of the DCLR for cancellation of Jamabandi. But the respondents purchased the land in 2007 and got it mutated vide Case No. 1716/07-08.

In view of aforesaid facts and documents available in records, it is concluded that the lower court has not erred in its order but it needs to examine the presence of superfluous jamabandis to the extent to 109 decimals whereas the total area of Plot No. 525 is only 91 decimals. In the result, the Appeal is dismissed but without going into the merit of jamabandi of this Gair Mazarua Khas land.

Dictated and Corrected.

Deputy Commissioner,  
Ramgarh.

Deputy Commissioner,  
Ramgarh