

# In The Court of Deputy Commissioner, Ramgarh

Misc. No. 23/2011

Jasbindar Kaur Versus Sate and Others

## Order

27.8.13

This case has arisen out of a direction passed in WP(C)No. 5551 of 2008 passed by the Hon'ble Jharkhand High Court on 14<sup>th</sup> July 2011 directing the present court to pass a speaking order after giving adequate opportunity to the petitioner the dispute relates to non-issuance of rent-receipt pertaining to the following land :-

Village	Khata	Khesra	Area
Naisarai	01	222	15 dec.

According to the report of the Anchal Adhikari, Ramgarh sent through Memo No. 195 dated. 31-01-2012 to above said land is 'Garmazarua Khas' recorded as 'Jungle' (forest). Admittly jamabandi is running on page 42 of vol. I of Register II.

In support of her claim, the petitioner submitted photocopies of the following documents;

- 1) Hukumnama of year 1945
- 2) Zamindari Rent Receipt Nos. 2809, 1185, 1778
- 3) Amin Report
- 4) Rent Receipt No. 098639 of 12-01-1990
- 5) Copy of the order passed in LE Case No. 110/83-84.

Counsel for the petitioner appeared in the court and said that he had nothing to say except written argument. It has been claimed that she has been paying tax to the Cantonment Board and tax to the State Government. It was added that one BPLE Case No. 110/83-84 was started against her but eventually dropped on 21-01-1985 by the Circle Officer land revenue was regularly paid till 1990 and then Anchal Office was approached but refused to realise rent.

The petitioner has admitted that the land concerned in Gairmazarua Khas. After the vesting of zamindari, all such lands vested in the State Government. The documents available in the record show a sada (plain) settlement followed by a few

zamindari rent receipts. But there is no corroborative evidence like Zamindari Return issued by the ex-landlord to prove the authenticity of hukumnama. The petition should have also proved that her jamabandi is continuing since vesting. No rent receipt of 1950s, 1960s, 1970s, 1980s were produced to show that jamabandi continued ever since vesting. It is thus concluded that jamabandi was created much later and fake receipt were entered in Register II.

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.

In view of the above decision of the hon'ble Apex Court, there is no doubt that the present land of plot no. 222 is forest land and non-forest activity is not permissible. As such the demand running in Register II is also illegal as the petitioner has failed to produce any order of creation of jamabandi by any competent authority. On the basis of just one rent receipts of 1990, the petitioner wants to grab the forest land.

In view of aforesaid finding, the claim of the petitioner is not justified and the petition is dismissed. The Circle Officer, Ramgarh is directed to prepare a record of modification of jamabandi within two weeks of the order. The Additioner Collector, Ramgarh is directed to ensure compliance by 15<sup>th</sup> September 2013.

Written and Corrected by

Deputy Commissioner,  
Ramgarh.

Deputy Commissioner,  
Ramgarh.