

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 6287 of 2019

Dinesh Kumar

..... Petitioner

Versus

1. The State of Jharkhand
2. The Conservator of Forest, Chatra
3. The Divisional Forest Officer, Chatra (North)
4. The Circle Officer, Pratappur, Chatra

..... Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner:

Ms. Rashmi Kumari

For the State:

Mr. Gaurav Abhishek, A.C to A.G

04/24.06.2020 The case is taken up through Video conferencing.

The present writ petition has been filed for issuance of direction upon the respondents restraining them from interfering with the right, title and interest of the petitioner over the land appertaining to Khata No. 23, Plot Nos. 64, 67, 68, 65 & 70, Mouza-Nanai Kala, P.S. No. 89, P.S-Pratapapur, District-Chatra, measuring total area of 13 Acres and 49 Decimals which has been acquired by the ancestors of the petitioner through Auction Certificate Case No. 39/1928-29 and since then the petitioner and his family have been in peaceful possession of the same. Further prayer has been made for issuance of direction upon the respondents restraining them from putting pillars over the said land of the petitioner.

Learned counsel for the petitioner submits that the said land was acquired in auction by Late Ratan Sao, son of Sohar Sao of Mouza-Lipda, Pargana-Kunda, District-Hazaribagh by way of Auction Certificate Case No. 39/1928-29. Thereafter, the said land was gifted by Late Ratan Sao to his nephew Late Ramchandra Prasad (the father of the petitioner), son of Bhagwat Sao in the year 1945 as he was issueless and Late Ramchandra Prasad was taking care of him. It is also submitted that as per the Khatian, the said land is a Raiyati land which is adjacent to the forest land. The rent for the said land has regularly been paid to the Government by the petitioner/his ancestors. The land possession certificate has also been issued to the petitioner by the respondent

No.4 vide letter No. 344/2008-09 dated 05.03.2009, a copy of which has been annexed as Annexure-5 to the writ petition. Despite the said fact, the forest officials in the year 2018 started putting pillars treating the part of the said land as the forest land. On the direction of the respondent No.4, the measurement of the said land was made by Revenue Karamchari and Anchal Amin, Pratappur, who have also submitted their report on 10.07.2018, a copy of which has been annexed as Annexure-10 to the present writ petition. It is thus submitted that as per the measurement report submitted by the revenue officials of Pratappur Circle, the said land has been found to be the Raiyati land over which the petitioner/his ancestors have been in peaceful possession for decades. Thus, the action of the forest officials in putting pillars over the part of the said land is illegal.

Mr. Gaurav Abhishek, learned A.C to A.G appearing on behalf of the respondents, submits that since there is a dispute as to whether any part of the land in question falls under the demarcated forest area, the same is required to be factually verified by the competent authority.

Having heard learned counsel for the parties and keeping in view the nature of the dispute raised by the petitioner in the present writ petition, without entering into the merit of the case, the petitioner is given liberty to file a fresh representation ventilating his grievance before the respondent No.3. On receipt of such representation, the respondent No.3, after making due enquiry and providing due opportunity of hearing to the petitioner/his representative, shall take appropriate informed decision in this regard within a period of three months from the date of filing of the said representation.

The present writ petition is accordingly disposed of with the aforesaid liberty and direction.