

Aklima Bibi @ Aaklema Bibi, aged about 63 years, Wife of Md. Gulam Ambiya, resident of Dharmakhanpara, P.O. and P.S.-Maheshpur, District-Pakur, Jharkhand.**Petitioner**

1. The State of Jharkhand.
2. The Deputy Commissioner, Pakur, P.O. + P.S.-Pakur, District-Pakur.
3. The Sub-Divisional Officer, Pakur, P.O. + P.S.-Pakur, District-Pakur.
4. The Deputy Collector Land Reforms, Pakur, P.O. + P.S.-Pakur, District-Pakur.
5. The Circle Officer, Maheshpur, P.O. + P.S.-Maheshpur, District-Pakur.
6. The Circle Inspector, Maheshpur, P.O. + P.S.-Maheshpur, District-Pakur.
7. Mojemal Haque, Son of Late Abdul Rashid Mandal, resident of Dharmakhanpara, P.O. and P.S.-Maheshpur, District-Pakur, Jharkhand.

.....Respondents

For the Petitioner(s) : Mr. Din Dayal Saha, Advocate
For the Respondent(s) : Mr. Amit Kumar, S.C.(Mines)-II
Mr. Rajeeva Sharma, Sr.Advocate
Mr. Om Prakash, Advocate

- 1.** Heard learned counsel for the parties.
- 2.** The instant writ application has been preferred by the petitioner praying therein for the following relief:

3. Learned counsel for the petitioner draws attention of

this Court towards Annexure-6 and submits that the Sub-Divisional Officer-cum-Sub-Divisional Magistrate has no power to cancel the *Jamabandi* or not to recognize the title deed which was executed in favour of the petitioner in the year 1999.

4. From bare perusal of Annexure-6, it appears that the concerned officer has observed in the first paragraph that the name of the applicant before him has already been recorded in Register-II and the rent is also being paid. It further transpires from the impugned order that the Sub-Divisional Officer-cum-Sub-Divisional Magistrate has requested the Officer Incharge and the Circle Inspector to ensure that the land should be given in possession of the person whose name is recorded in Register-II.

5. Learned counsel contended that the impugned order does not record any finding that even the petitioner's name is also recorded in Register-II and there is a factual discrepancy in the impugned order and without hearing the petitioner, this impugned order has been passed. He reiterated that she had purchased the land by a registered sale deed way back in the year 1999 and she has also paid rent up till 2020. He further submits that the land which is being shown by the Sub-Divisional Officer-cum-Sub-Divisional Magistrate is also running in the name of this petitioner and she is the actual owner of entire property.

6. Per contra, learned senior counsel for the private respondent submits that there is no error in the impugned order since the name of the private respondent was running in Register-II; as such, the Sub-Divisional Officer-cum-Sub-Divisional Magistrate has rightly directed to delete the name of the petitioner

as her mutation was not correct which was running parallel with that of the private respondent.

7. Learned counsel for the State defends the order and submits that there is no error in the order and the Sub-Divisional Officer-cum-Sub-Divisional Magistrate after verification of record and Register-II, has directed the Police Officer and the Circle Inspector to ensure that the possession be given to the private respondent.

8. From the argument of learned counsel for the parties, it appears that there is a serious dispute with regard to the property in question, inasmuch as, it is claimed by the petitioner that a sale deed has been entered into by her father-in-law in her favour, which has strongly been denied by the learned senior counsel appearing for the private respondent contending therein that the said sale deed was a fraud since the same was done after partition which was in 1995.

9. Looking to the disputed question of fact, this Court refrains from entertaining this writ application; however, a liberty is given to the petitioner to take appropriate step before appropriate Civil Court for redressal of her grievance, if any, if so advised.

10. With the aforesaid observation, the instant writ application stands disposed of. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)