IN THE HIGH COURT OF JHARKHAND AT RANCHI

W. P. (C) No. 1188 of 2023

Gopebandhu Das @ Gopabandhu Das … … **Petitioner**
Versus
State of Jharkhand and Others … … **Respondents**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Atanu Banerjee, Advocate
For the Respondents : Mr. K. K. Singh, Advocate
: Mr. S. Bhowmik, Advocate

05/12.07.2023

1. Learned counsel for the parties are present.

2. Learned counsel for the petitioner has submitted that the impugned orders are perverse on account of non-consideration of Form-K, which was submitted by the grand-father of the petitioner. He has submitted that as per the application for restoration of land filed under Section 71-A of Chhotanagpur Tenancy Act, the period of dispossession has been shown only 5 years, although Form-K itself substantiates that the petitioner/his grand-father were in possession of the property much prior to vesting of the Zamindari.

3. Learned counsel for the respondent-State has submitted that Form-K by itself is not a document of possession. He has also submitted that the required enquiry was conducted and it was found that the property involved in the present case was settled in favour of the private respondent in Case No. 579/1970-71 and thereafter necessary entries were made and she has been paying the up to date rent. The last rent receipt is dated 08.12.2014. The learned counsel has also submitted that even the record of rights indicate that the property was recorded in the name of ancestor of the private respondent who admittedly belongs to tribe community and therefore, the impugned orders passed by the three authorities do not call for any interference.

4. Learned counsel for the petitioner submits that he shall cite certain judgments in support of his case and therefore, the matter be posted on 19.07.2023.

5. Post this case on 19.07.2023 in the supplementary cause list to be taken up at 1:00 p.m.

(Anubha Rawat Choudhary, J.)

Mukul