

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 5945 of 2001

Mahabir Rana @ Barhi, son of Late Tilak Rana, Resident of village
Maramdiri, P.O. Kamta, P.S. Chatra, District-Chatra

... .. **Petitioner**

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Chatra, P.O. & P.S. Chatra, District Chatra
3. The Sub-Divisionaal Officer, Chatra, P.O. & P.S. Chatra, District Chatra
4. The land Reform Deputy Collector, Chatra, P.O. & P.S. Chatra, District Chatra
5. The Circle Officer, Chatra, P.O. & P.S. Chatra, District Chatra
6. Forest Divisional Officer, South Forest Division, Chatra, P.O. & P.S. Chatra, District Chatra

... .. **Respondents**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner	: Mr. Manjul Prasad, Sr. Advocate Mr. Baban Prasad, Advocate Mr. Akhouri Prakhar Sinha, Advocate Mr. Aman Kedia, Advocate
For the Respondents	: Mr. Suresh Kumar, Advocate Mr. Anshuman Kumar, Advocate

24/22nd January 2026

1. Heard the learned counsel for the parties.
2. This writ petition has been filed for the following reliefs: -

“for issuance of a writ in the nature of certiorari quashing the order dated 24.04.2001 passed in Case No. 4 of 1999 (wrongly written as Case No. 4 of 2000-2001) by respondent no. 2 (Annexure-2) and thereon order dated 6.5.2001 passed by respondent no. 5 cancelling the demand running in the name of the petitioner since vesting of zamindari;

AND

Pending disposal of this application be pleased to stay the operations of orders at Annexure-6 and/or respondents be restrained from taking any coercive step for removal of the petitioner on the basis of order at Annexure-2;

AND/OR

Be pleased to issue such other writ/writs, order/order/direction/directions which may be deemed fit and property in the facts and circumstances of the case for doing conscionable justice to the petitioner.”

3. It is the case of the petitioner that out of total area of 63 acres of plot no. 2 appertaining to khata no. 55, thana no. 298, some area fell in reserve forest declared by the State and affirmed by the Central Government and some area was under the raiyati holding of zamindar. It is the further case of the petitioner that out of total area in possession of the zamindar, the then zamindar settled 7.50 acres of land in favor of the petitioner by way of Sada Hukumnama (unregistered) in the year 1934 on paying of salami and annual rent. It is their further case that 0.85 acres of land of plot no. 2 under khata no. 66 was also settled in favor of the father of the petitioner, namely, Titak Barhi by way of Hukumnama and after vesting of zamindari, the State of Bihar also recognized him as raiyat, realized rent and granted rent receipts.

4. Further, after death of father of the petitioner, the petitioner was in possession of aforesaid lands and all of a sudden in the year 1999, the respondent no. 6 vide letter no. 2766 dated 29.10.1999 requested the respondent no. 5 to make enquiry regarding alleged illegal opening of demand for forest lands giving detail of land area 7.50 acres of the petitioner.

5. Consequently, on receipt of letter no. 2766 dated 29.10.1999, the respondent no. 5 registered Case No. 4 of 1999-2000 and issued notice to the petitioner to produce record on the basis of which he possessed the land. The respondent no. 6 was also asked to produce documents to substantiate his claim. Thereafter, the respondent no. 5 after hearing the petitioner and respondent no. 6, vide order dated 19.07.2000 recommended for cancellation of demand/zamabandi of the petitioner with respect to 7.50 acres of land of plot no. 2 appertaining to khata no. 66 and the record was ordered to be placed before the respondent no. 4.

6. The respondent no. 4 vide order dated 19.08.2000 confirmed the recommendation of respondent no. 5 and sent recommendation before the respondent no. 3 for final order. Consequently, the respondent no. 3 after considering the recommendation, recommended for cancellation of demand and ordered to produce the record before Additional Collector in terms of order dated 19.08.2000.
7. The matter was placed before the respondent no. 2, who directed the respondent no. 3 to submit the charge-sheet in Form 'Ka' in connection with the concerned government officers vide order dated 24.04.2001 (Annexure-2). Thereafter, the record was sent back to the respondent no. 3 who vide order dated 09.05.2001 cancelled the demand/zamabandi and sent the file to respondent no. 5, who in turn, vide order dated 06.05.2001 directed the Halka Karamchari for compliance and report.
8. It is also the case of the petitioner that the petitioner had filed an application before the respondent no. 2 to recall the order dated 24.04.2001 on the ground that the respondent no. 5 did not appreciate the documents produced by the petitioner, but no opportunity of hearing was given and no notice was issued to the petitioner by the respondent nos. 3 and 4. It is further case of the petitioner that on the aforesaid petition seeking recall, a separate case was registered as Case No. 157 of 2001 and after hearing, the respondent no. 2 rejected the petition filed by the petitioner for recalling the order dated 24.04.2001 vide order dated 25.06.2001 which was passed without notice and granting any opportunity of hearing to the petitioner.
9. Consequently, the petitioner has ultimately challenged the order dated 24.04.2001 (Annexure-2) and also the order dated 06.05.2001 passed by the respondent no. 5 cancelling the demand running in the name of the petitioner which according to the petitioner is running since vesting of zamindari.
10. The learned counsel for the petitioner has submitted that it has come in the counter-affidavit that no zamindari return was filed. The learned

counsel has also submitted that a number of criminal cases were also instituted against the petitioner and ultimately, all have ended in acquittal. However, the orders of acquittal have not been placed on record. The learned counsel has also referred to Annexure-5, which is the order passed in Case No. 18/1963-64, to submit that an order was passed by which the property involved in this case was released in favor of the petitioner.

11. The learned counsel for the petitioner submits that the Deputy Commissioner had straightaway passed the order on the basis of the recommendation of the Circle Officer without granting an opportunity of hearing to the petitioner and the petition seeking review/recall was rejected by the Deputy Commissioner on the ground that he does not have the power to review/recall his own order.

12. The order refusing to review/recall of order dated 24.04.2001 has been annexed as Annexure-4 to the writ petition wherein the Deputy Commissioner, Chatra had recorded that he does not have the power to recall the order and therefore the petitioner may avail alternative remedies.

13. During the course of hearing, it appears that at the time of recommendation vide order dated 19.07.2000, some opportunity of hearing was granted to the petitioner. However, when the final order was passed by the Deputy Commissioner, Chatra vide impugned order contained in Annexure-2 dated 24.04.2001, no opportunity of hearing was granted to the petitioner.

14. During the course of hearing, it appears that certain documents have been sought to be produced by the petitioner before this Court, particularly Annexure-5, 6 and 7 and they were not produced before the authority and the same have been produced for the first time before this Court in the writ petition and it is the specific case of the respondents that those documents are forged and fabricated. It is also not clear from the order of recommendation as to whether the rent receipts which are sought to be placed on record by the petitioner by filing supplementary affidavit

were at all produced before the authority recommending the cancellation of zamabandi. The petitioner has also tried to place on record the Sada Hukumnama which also does not find place in the order recommending cancellation of zamabandi.

15. The learned counsel for the respondents, on the point of grant of hearing to the petitioner by the Deputy Commissioner while cancelling the zamabandi, has submitted that zamabandi has been cancelled after verifying the records and on the recommendation of the Circle Officer and therefore there was no need for grant of any opportunity of hearing to the petitioner.

16. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this Court finds that the Circle Officer had made a recommendation for cancellation of zamabandi and it further appears that the documents which have been brought on record by the petitioner in the writ petition/supplementary affidavit, many of them were not produced before the Circle Officer and the Deputy Commissioner, Chatra has acted on the basis of the recommendation of the Circle Officer for cancellation of zamabandi.

17. This Court is of the view that the Deputy Commissioner, who is the authority in cancelling the Zamabandi, was certainly required to grant an opportunity of hearing to the petitioner before passing the final order and it is also important that the said authority should have call for the records for the concerned Forest Department particularly the records of Case No. 18/1963-64 in connection with which it is claimed by the petitioner that an order in their favor was passed and it is asserted by the State that the same is a forged and fabricated document.

18. In this view of the matter, the impugned order cannot be sustained in the eyes of law as full opportunity of hearing and full opportunity to produce the documents have not been granted by the Deputy Commissioner, Chatra before passing the impugned order. Accordingly, the order impugned dated 24.04.2001 (annexure 2) is hereby set-aside.

19. The matter is remanded back to the Deputy Commissioner, Chatra for fresh consideration in accordance with law. The Deputy Commissioner shall also call for the records from the concerned Forest Department to verify the correctness of the claim of the petitioner and the petitioner will also be under an obligation to produce all the **documents in original** which have been placed on record in this writ proceedings in case the petitioner wants to rely upon such documents.

20. The petitioner is directed to appear before the Deputy Commissioner, Chatra on 26.02.2026 at 11:00 AM along with the original of all the documents which they seek to rely upon and also a copy of the entire writ records. The State shall also be represented by a counsel before the deputy commissioner. If required, measurement of land and location of the property claimed by the petitioner be also ascertained through the concerned circle officer and government amin in the presence of the parties and as per law.

21. In order to ensure that there is no gap in the submissions and the final order and every aspect of the matter is taken into consideration, the Deputy Commissioner may call upon the parties to file their written arguments along with judgements which they may seek to rely upon.

22. The final order be passed by the Deputy Commissioner, Chatra within a period of three months after giving full opportunity of hearing and after verifying the connected records and also the records of aforesaid Case No. 18/1963-64.

23. This writ petition is accordingly disposed of.

24. Pending I.A., if any, is closed.

(Anubha Rawat Choudhary, J.)

Dated: 22.01.2026

Mukul/-

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