

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Contempt Case (Civil) No. 314 of 2015

Shankar Prasad Gupta ... **Petitioner**

Versus

State of Jharkhand and Another ... **Opposite Parties**

With

C.M.P. No. 333 of 2015

State of Jharkhand represented through Deputy Commissioner,
Lohardaga ... **Petitioner**

Versus

Shankar Prasad Gupta and Others ... **Opposite Parties**

With

W.P.(C) No. 3441 of 2012

The State of Jharkhand and Others ... **Petitioners**

Versus

Smt. Kamala Devi and Others ... **Respondents**

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Petitioner(s) : Mr. V. K. Prasad, S.C (L&C)
Mr. Sahil, A.C to S.C (L&C)
[in W.P.(C) No. 3441 of 2012]
Mr. Niraj Kishore, Advocate
[in Contempt Case (Civil) No. 314/15]
For Opp. Party/Respondent: Mr. Binit Chandra, A.C to G.A(Bihar)
Mr. Niraj Kishore, Advocate
[in W.P.(C) No. 3441 of 2012]

20/13.09.2018

W.P.(C) No. 3441 of 2012

The Secretary, Revenue Registration and Land Reforms Department, Government of Jharkhand, Ranchi shall file its affidavit whether the original records pertaining to Compensation Case No. 496/46(R)-viii of 1955-56 which according to the respondent no. 3 was sent to the office of Additional Collector, Lohardaga on 20.05.1995 are with the department or with the district authority, or not.

Order dated 17.04.2018, reads as under :

“Issue notice.

2. *Respondent no. 1 has already put her appearance.*

3. *In the proceeding of CWJC No. 2179 of 1998 (R) the State took a stand that by forging documents husband of the respondent no. 1 herein had attempted to receive compensation in lieu of Zamindari interest of Brahmdeo Narain Singh and others. It was pleaded that in course of enquiry it was found that her husband committed cheating and forgery. Not only that, serious allegations against Divisional Forest Officer, Gumla who has suo-motu exercised its revisional power and enhanced compensation were leveled.*

4. *Now the petitioner-State has preferred this writ petition challenging order dated 02.01.2012 passed by the Additional Collector, Lohardaga.*

5. *The Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand shall file an affidavit disclosing whether before filing this writ petition a proceeding against the Divisional Forest Officer, Gumla was initiated or not, and whether order passed by the Divisional Forest Officer, Gumla was challenged by the State or not, and if not, the reasons thereof. The Secretary, Department of Revenue, Registration and Land Reforms, shall also indicate whether order dated 23.06.2011 passed in CWJC No. 2179 of 1998(R) was taken in appeal by the State of Jharkhand or not.*

6. *The original records containing the sanction orders for challenging order dated 02.01.2012, opinion of the conducting State counsel, if any, etc. shall be produced on the next date of hearing.*

7. *Post the matter on 15.05.2018.*

8. *A responsible officer shall be authorised by The Secretary, Department of Revenue, Registration and Land Reforms, who shall remain physically present in the Court with original records.*

9. *No further payment on account of either compensation or interest shall be made to the respondent no. 1.*

10. *Let a copy of the order be given to the learned counsel for the parties.”*

Records of the case would disclose that huge financial

implications are involved in this case, still, not only the writ petition challenging the order of the Additional Collector, Lohardaga was not filed in time and prosecuted for years together, the original records are not traceable.

The respondent-Shankar Prasad Gupta has already filed Contempt Case (Civil) No. 314 of 2015 alleging willful violation of order passed by the writ Court. It appears that no Letters Patent Appeal against the order passed by the writ Court has been preferred by the State.

The aforesaid state of affairs, prima-facie, indicate gross negligence, if not collusion, on the part of some of the state-authorities. But before a final decision is taken on the issue, let an affidavit as indicated hereinabove be filed within two weeks.

Post these matters on 28.09.2018.

Let a copy of the order be given to the learned State counsel.

(Shree Chandrashekhar, J.)