

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 671 of 2018

Md. Firoj Ahmad & another

--- --- Appellants

Versus

The State of Jharkhand through the Commissioner, South
Chotanagpur Division, Ranchi, Jharkhand & others

--- --- Respondents

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**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE NAVNEET KUMAR**

For the Appellants : Mr. Ajit Kumar, Sr. Advocate
Mr. Vipul Poddar, Advocate

For the Respondents : Mr. Mithilesh Singh, G.A.-IV
: Mr. J.J. Sanga, Advocate

Order No.13/ Dated 6th November, 2023

1. Reference is made to the order dated 03.10.2023 whereby and whereunder following order has been passed:

“Let original record of SAR Case No.43 of 1975-76, record of SAR Appeal No. 31 of 1980 including the record of TA Misc. Case No.39 of 1978-79 be called for from the concerned authority.

List this case on 06.11.2023.

In the meanwhile, learned counsel appearing for the appellants is directed to bring on record the power of attorney basis upon which the land has been said to be transferred in favour of the appellants.”

2. It is very much surprising that in spite of order dated 03.10.2023 by directing the authority concerned to send original record of 3 cases i.e., (i) SAR Case No. 43 of 1975-76, (ii) SAR Appeal No. 31 of 1980 including the record of (iii) T.A. Misc. Case No. 39 of 1978-79, but, as would appear from the covering letter dated 04.11.2023 issued under the signature of District Magistrate cum Deputy Commissioner, West Singhbhum, Chaibasa addressed to the Assistant Registrar, Jharkhand High Court, Ranchi that regarding SAR Appeal No. 31 of 1980-81, total 85 pages in original are being sent.

3. The original record of SAR Appeal No. 31 of 1980-81 has been placed with record along the said covering letter but neither any affidavit has been filed explaining as to why the other two record i.e., (i) SAR Case No. 43 of 1975-76 and (ii) T.A. Misc. Case No. 39 of 1978-79 have not been sent nor there is any affidavit seeking time for production of the

said records.

4. This Court considers it very serious, which is not expected from the Officer of the rank of Deputy Commissioner of a District.

5. Learned counsel Mr. Mithilesh Singh, G.A.-IV has sought for time by way of last indulgence.

6. This Court after taking into consideration the conduct of the concerned Deputy Commissioner, West Singhbhum, Chaibasa deem it proper to call upon an explanation from him as to why the two records, as aforesaid, have not been sent and why there is not affidavit to that effect.

7. Let such explanation be sent on or before the next date of hearing. The Deputy Commissioner, West Singhbhum, Chaibasa is being granted one more chance to send the record of (i) SAR Case No. 43 of 1975-76 and (ii) T.A. Misc. Case No. 39 of 1978-79 by the next date, failing which, this Court will be constrained to pass an order against him.

8. List this case on 07.12.2023.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)