

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P.(C). No.7706 of 2023

Rama Shankar Prasad			Petitioner
Versus			
State of Jharkhand & Ors.			Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner	: Mr. Amar Kumar Sinha, Adv.
For the Respondent-State	: Mr. Sachin Kumar, A.C to S.C.I

04/Dated: 10th April, 2024

1. Issue notice upon the respondent Nos.7 to 10 by both process, i.e. speed post as well as under ordinary process for which requisites etc., must be filed within a week.

2. The issue has been raised in the present writ petition is that the long standing Jamabandi running in the name of the predecessor of the petitioner and others has been cancelled at the instance of the private respondent, which is *per se* illegal. For this purpose, learned counsel for the petitioner has relied upon the judgment passed by this Court in the case of ***Jitan Mahto vrs. State of Bihar*** reported in 2004 1 JCR 497. The relevant paragraph No.5 of the said judgment is quoted hereinbelow:-

“5. Be that as it may. From the pleading of the parties, it appears that the name of the petitioner has been running in the revenue record since 1969, the respondents had no authority to cancel the zamabandi merely at the instance of the respondent No. 6. It was for the respondent No. 6 to go to the civil Court for adjudication of his right, title and interest in the property. The impugned orders cancelling the zamabandi passed by the respondents are directly against the settled principles of law, the said cannot be sustained in law.”

3. As prayed for, put up this case after six weeks.

4. In the meantime, learned counsel for the respondent-State is directed to file counter affidavit in the matter.

5. Till further orders, status quo as existing today shall be maintained.

(Rajesh Kumar, J.)