

(2012) 06 JH CK 0039

Jharkhand High Court

Case No: Writ Petition (C) No. 2150 of 2012

Most. Fatima Khatoon

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: June 27, 2012

Citation: (2012) 3 LJLR 526

Hon'ble Judges: Narendra Nath Tiwari, J

Bench: Single Bench

Advocate: A.K. Sahni, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

N.N. Tiwari, J.

The petitioner is aggrieved against the order passed by the Deputy Commissioner, Ramgarh in Misc. Appeal No. 28 of 2011 (Annexure-10). According to the petitioner, L.R.D.C., Ramgarh Illegally and arbitrarily had recommended for cancellation of zamabandi of land, running In the name of petitioner in respect of land of Rot No. 549, under Khata No. 1 of Mouza-Tewardag, Thana No. 158, P.S.-Ramgarh, measuring 15.25 acres. After recommendation he has forwarded the record to the S.D.O., Ramgarh. Aggrieved by the said order of the L.R.D.C., Ramgarh, the petitioner had filed an appeal before the Deputy Commissioner, Ramgarh, By the impugned order he has observed that the record has been forwarded to the S.D.O., Ramgarh for further action and the petitioner can approach the S.D.O., Ramgarh and produce all evidences. The Deputy Commissioner, Ramgarh did not admit the appeal of the petitioner.

2. It has been submitted that since the S.D.O., Ramgarh has got no power to cancel the running zamabandi, the Deputy Commissioner, Ramgarh could have intervened and set aside the order passed by the L.R.D.C., Ramgarh. The Deputy Commissioner

instead has refused to admit the petitioner's appeal and directed the petitioner to appear before the S.D.O., Ramgarh. The order is wholly illegal and without jurisdiction.

3. Learned J.C. to S.C. (L&C) opposed the writ petition and submitted that since the matter has been referred to the S.D.O., Ramgarh, the petitioner should have appeared before the S.D.O., Ramgarh but instead, the petitioner preferred appeal before the Deputy Commissioner, Ramgarh, which is not maintainable. The matter is still subjudice before the S.D.O., Ramgarh and no interference was warranted by the Deputy Commissioner, Ramgarh at that stage. The petitioner's appeal has been rightly dismissed by the impugned order (Annexure-10).

4. I have heard learned counsel for the parties and considered the materials on record. On perusal of the impugned order, I find that the petitioner's appeal was not admitted on the ground that the matter has been forwarded to the S.D.O., Ramgarh and the petitioner can appear before the S.D.O., Ramgarh and place all the documents and evidences before him.

5. Since final order was not passed by the S.D.O. Ramgarh, there was no occasion for filing appeal before the Deputy Commissioner, Ramgarh. The petitioner could have appeared before the S.D.O., Ramgarh and taken all the points available to him.

6. I find no illegality or arbitrariness or any ground made out to interfere with the impugned order (Annexure-10).

7. This writ petition is accordingly dismissed. However, the petitioner is at liberty to appear before the S.D.O., Ramgarh and take all -the points available to him before the S.D.O., Ramgarh as per direction of the Deputy Commissioner, Ramgarh for his consideration and disposal of the proceeding in accordance with law.