

IN THE HIGH COURT OF JHARKHAND AT RANCHI.
W.P. (C) No. 6504 of 2010

...
M/s Gee Tee Hard Coke Traders through it's partner Binod Kumar Poddar
... .. Petitioner

-V e r s u s-

1. The State of Jharkhand
2. The Deputy Commissioner, Dhanbad
3. The Deputy Collector Land Reforms, Dhanbad
4. The Circle Officer, Dhanbad ... Respondents

...
CORAM: - HON'BLE MR. JUSTICE B.B. MANGALMURTI

...
For the Petitioner : - Mr. Sudhir Kumar Sharma, Advocate.
For the Respondent : - Mrs. Chandra Prabha, S.C. I
and Mr. Vishal Kumar Rai, A.C. to S.C. I

...
14/03.12.2019 As per direction of this Court dated 19.11.2019, Mr.Modassar
Nazer Mansuri, S/o Late Jamruddin Mansuri, Circle Officer, Nirsa
Dhanbad is present.

2. Heard learned counsel for the petitioner and learned S.C. I on
behalf of all the respondents.

3. Instant writ application is filed for issuance of an appropriate
writ in the nature of certiorari directing the respondents to determine
the rent amount and accept the rent amount so determined and
thereafter to issue rent receipts for the period onwards 1996-1997 till
date and for further periods in the name of petitioner firm-M/s Gee
Tee Hard Coke Traders, it's partners being Praveen Kumar Saria and
M/s Poddar Singh Coal Investment Private limited through it's
Director-Binod Kumar Poddar in respect of the land measuring area
3.52 Acres situated at mouza Egarcoor, Plot no.-381, Khata no. 138,
P.O.-Kumardhubi, P.S.; - Chirkunda, Dist;- Dhanbad where the
petitioner is doing business of manufacturing hard coke in the name
and style of 'Gee Tee Hard Coke Traders'.

4. It is submitted on behalf of the petitioner that the petitioner is
a partnership firm, who has approached this Court, as respondent-
State is not issuing rent receipt after the year 1997, although, rent
receipts were issued prior to it. It is further submitted that this
partnership firm had purchased the land on 17th April 1979 from M/s.
Globtic Traders. Learned counsel for the petitioner submitted that the
respondents have commenced a proceeding against this petitioner for

encroachment of a piece of public land in B.P.L.E. Case No. 02 (XII) of 1997-98 against which this petitioner approached the Ranchi Bench of the Patna High Court in CWJC No.2310 of 1998 (R), which was disposed of vide order dated 03.05.1999 and B.P.L.E. Case No. 02 (xii) of 1997-98 was dropped and the respondents-authorities were given liberty to start a fresh proceeding under the act, if the conclusion of the enquiry, so warrants. It is also submitted that as per the stand of the respondents, the '*Jamabandi*' of this petitioner was cancelled, but, it was never communicated to the petitioner-firm. Although this petitioner had instituted a Title Suit relating to the land, in question, but the same stood dismissed for default and since the authorities concerned are not issuing rent receipts, therefore, he has approached this Court for a direction upon the respondent to determine the rent amount and accept the rent after the period 1997 onwards.

5. Mrs. Chandra Prabha, learned S.C. I appearing on behalf of all the respondents submitted that as per the contention of the petitioner, when the sale deed was executed between M/s. Globtic Trader and the petitioner in the year 1979, no rent receipt was issued either in the name of seller or in the name of the purchaser. She further contended that the land is a '*Gairabad*' land and due to this reason, a B.P.L.E. case was instituted in the year 1997 being B.P.L.E. Case No. 2 (xii) of 1997-98 but that was dropped vide order of the Ranchi Bench of the Patna High Court, dated 03.05.1999. Thereafter, they initiated Misc. Case No. 01 of 2000-01 and as per Annexure-B of the supplementary counter affidavit filed in this Court on 29.11.2018, it would appear that the Deputy Commissioner, Dhanbad had passed order relating to the cancellation of the '*Jamabandi*' No. 173, Khata No.138, Khesra No. 381, Area 3.52 acres and also cancelled '*Jamabandi*' No. 751 and accordingly, direction was given on 20.06.2001 by the then Circle Officer, Nirsa to the *Rajasva Karamchari* (Revenue Clerk) Halka Sankhya XII to submit compliance report within a week. Learned counsel also submitted that after the knowledge of cancellation of '*Jamabandi*', the petitioner-firm approached the Court of Munsif II, Dhanbad being Title suit No. 27 of 2001 for the following reliefs:-

(a) *For a decree declaring plaintiffs title to the land fully mentioned in Sechedule 'A' of the plaint on confirmation of their possession.*

(b) *For a decree for permanent injunction restraining the defendants, their men, agents and servants etc. from cancelling the mutation of S/Sri Bhiku Ram Agarwalla and Shiv Prasad Agarwalla drawn up in Jamabandi/Thoka No.751 regarding Schedule 'A' land of the plaint and from taking over possession of said schedule 'A' land.*

(c) *For a decree for costs of the suit.*

(d) *For a decree for any other relief or reliefs to which the plaintiff may be found entitled to.*

SCHEDULE – "A"

Within District Dhanbad, Police Station Chirkunda, Mouza Egarcoor, Mouza No. 237, Khata No. 138, Plot No. 381 Area 3.52 acres together with buildings, hard coke ovens, machines, fixtures and fittings etc. over which business of M/s. Gee Tee Hard- Coke Traders is being run.

Learned counsel also submitted that this Title Suit was dismissed vide order dated 02.03.2007 as the court of Munsif held that the plaintiff has lost interest and in absence of proper steps, the Suit was dismissed. The copy of the Plaint of Title Suit and the photo-copy of the certified copy of the order of the court of Munsif, II Court at Dhanbad have been filed here by respondents as Annexures-9 and 9/A in response to the petitioner's rejoinder to the Supplementary Affidavit filed on 08.01.2019. Learned S.C. I lastly submitted that when the '*Jamabandi*' of the respective suit land was cancelled in 2001, then there is no question of issuance of any rent receipt in favour of the petitioner.

6. Considering the above submissions of the learned counsel appearing for the parties as well as the fact that on earlier occasion, the Respondent-State has initiated a B.P.L.E. case against this petitioner, although the same was dropped by the order of the Hon'ble High Court, but the liberty was granted to start a fresh proceedings, if the enquiry so warrants. It further appears that instant

writ application was filed for a direction upon the respondents to accept the rent amount, so determined and thereafter to issue rent receipt for the period onwards 1996-1997 till up-to-date in the name of petitioner-firm. The admitted fact from the side of petitioner is that the rent receipt was not issued after 1997 and as per the averments made by the parties, the transaction of sale was performed on 17.04.1979 and no rent receipts were available even on the date of sale in the year 1979. Since the authorities have taken steps and the Deputy Commissioner, Dhanbad has granted permission for cancellation of '*Jamabandi*' (Annexure B to the supplementary affidavit on behalf of respondent no. 1 dated 29.11.2018), no such direction for issuance of rent receipt could be passed in the writ jurisdiction, therefore, in such circumstances, the instant application is dismissed.

7. The personal appearance of Mr. Modassar Nazer Mansuri, S/o Late Jamruddin Mansuri, Circle Officer, Nirsa, Dhanbad is hereby dispensed with.

(B.B. Mangalmurti, J.)

APK/Rajnish