

BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****IN THE MATTER OF:****Original Application No. 200/2024/EZ****Dr. R.K. Singh****...Applicant****-Versus-****Union of India & Ors.****...Respondents****INDEX**

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Advocate

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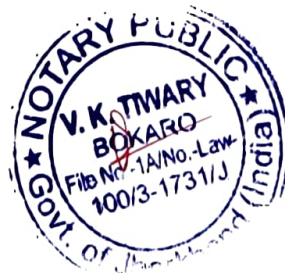
High Court, Calcutta

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF:

Original Application No. 200/2024/EZ

Dr. R.K. Singh

...Applicant

-Versus-

Union of India & Ors.

...Respondents

COUNTER AFFIDAVIT FILED BY DIVISIONAL FOREST OFFICER, BOKARO,
GOVERNMENT OF JHARKHAND (i.e. RESPONDENT NO. 5 HEREIN).

I, Rajnish Kumar, son of Birendra Singh aged about 39 years, by Religion - Hindu, by Occupation - Service under the State Government of Jharkhand in the office of Divisional Forest Officer, Bokaro, Government of Jharkhand, having its office at Bokaro Forest Division, Van Bhawan, Chas Block-B, J5FH+6PJ, DSP Colony, Shivpuri Colony, Bokaro Steel City, Chas, Pincode - 827013, Jharkhand, do hereby solemnly affirm and state as follows:

1. That, I am the Divisional Forest Officer, Bokaro, Government of Jharkhand, and I am aware of the facts and records in the instant case and have gone through the allegations and contentions in the Original Application as such I am competent to make and affirm the instant Affidavit.



SL. No. 58
 Date 12/11/2024

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2. That, I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That in pursuance and in compliance to the order dated 01.10.2024 of this Hon'ble Tribunal in the instant Original Application this Affidavit is being filed by Divisional Forest Officer, Bokaro, Government of Jharkhand i.e. respondent no. 5 to the Original Application.
4. That before dealing with the paragraphs of the said Original Application, it is necessary to bring certain facts before this Hon'ble Tribunal for its kind consideration.
 - i. That the Applicant has filed the present Original Application alleging violation of the provisions of the Forest (Conservation) Act, 1980 over notified protected forest land situated in Plot No. 426 and 450 of Village- Tetulia, District - Bokaro (hereinafter referred to as "land in question") by construction of building and metalled road over it without prior approval of MoEF & CC, Government of India. The Applicant as such has prayed for direction upon the respondents:-
 - a. To immediately stop the construction activity and quarrying and use of forest land in question for non-forest purposes;
 - b. To produce the number of mutations permitted by the Revenue Department till date and to be directed to stop issuing of any mutation certificates in the protected forest in question;



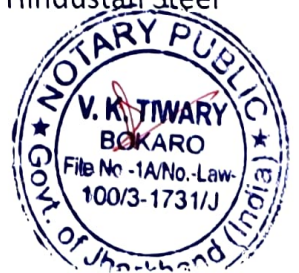
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- c. For restoration of the protected forest land in question to its original state;
 - d. To recover NPV and penalty for using the forest lands for non-forest purposes from the violators;
 - e. Respondent no. 2 to initiate inquiry for illegal use of forest land and fix the responsibility of the offender/s and take legal action against them;
 - f. To levy appropriate compensation for causing damage to the ecology and public health on the basis of polluter pays principle on the violators;
- ii. That, the land of Mouza Tetulia, Thana Chas, Thana No. 38, Khata no. 59 Plot no. 426 an area 40.60 acres and Plot no. 450 an area 66.60 Acres having total area 107.20 acres is recorded in C.S. Khatiyan as Gair Abad Malik and nature of land as *Jungle Sal* land situated within the District – Bokaro.
- iii. That, an area of 95.65 acres of Plot nos. 426, 450, 483, 554, and 479 of Mouza Tetulia has been notified as Protected Forest vide notification no. C/F-17014/58-1429-R dated 24.05.1958 by the then Governor of Bihar under the Provision of Sec. 29 of Indian Forest Act, 1927. The above mentioned Protected Forest land includes an area of 30.35 acres out of 40.60 acres of plot no. 426 and an area of 55.40 acres out of 66.60 acres of plot no. 450 i.e. total area of 85.75 acres of land out of 107.20 acres land.



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- iv. That, previously the aforesaid land of Mouza Tetulia Thana no. 38 has already been declared as private protected Forest under the provision of Section 14 of Bihar Private Forest Act, 1947 by the then Governor of Bihar vide notification no. 4466-VIF/29/47R dated 28.04.1947, and since then the forest department had been in exclusive possession and control over the land in question through the Divisional Forest Officer, Dhanbad now Bokaro, until it was transferred to Bokaro Steel Ltd. in the year 1962.
- v. That, after the enactment of Bihar Land Reforms Act, 1950 all the landed property held by intermediary/ tenure holders got vested in the state of Bihar free from all encumbrances including plot no. 426 and 450. The lands which were recorded in C.S. Khatian as Gair Abad Malik /Gair Mazarua Khas/Gair Mazarua nature of which is Jungle Jhari/Jungle SAL have been notified as Protected Forest by Governor of then Bihar now Jharkhand. Therefore, land in question as being recorded in C.S. Khatian as Gair Abad Malik and nature of land as Jungle Sal; has been notified as Protected Forest land later on by notification No. C/F 17014/58-1429-R dated 24.05.1958 u/s 29 of Indian Forest Act, 1927.
- vi. That, then Government of Bihar in the year 1962 intended to transfer free of cost certain Government lands, as required by the then Hindustan Steel Ltd. now Bokaro Steel Ltd., for setting up the Steel Plant, including Forest land for which Government of Bihar, Revenue Department issued letter no. A/GI-42123/61-541R, Patna dated 29.01.1962 copy of which was forwarded to Hindustan Steel Ltd.



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- vii. That, in the light of above letter dated 29.01.1962 an area 908.98 acre of forest land of 11 villages including the land in question has been transferred by the then Dhanbad Forest Division now Bokaro Forest Division to Hindustan Steel Ltd. for establishing steel plant in Bokaro by letter no. D.O. 1401 dated 29.05.62 by a separate list including the land in question i.e. Plot no. 426 of area 30.35 acre and Plot no. 450 of area 55.40 Acres of Mouza Tetulia, Thana-Chas, District- Bokaro.
- viii. That, in the year 1968, the Bokaro Steel Ltd., intended to return the forest lands of two villages namely Tetulia and Satanpur back to the forest Department stating that the lands in villages Tetulia and Satanpur were falling outside the boundary line of the Bokaro Steel Plant project. The BSL made request to the DFO, Dhanbad vide letter No. Land/BSL/L1-7/68-40, dated 25.9.1968 and letter No. Land/BSL/L1-7/8, dated 11.12.1968 for taking back the said lands. Thereafter, the DFO, Dhanbad vide his letter no. 3773, dated 17.12.1968 replied to the BSL that the forest land of 251.3 acres proposed to be returned back to the forest department cannot be taken back in absence of any order from the Govt., and he further informed that the matter is being referred to higher authorities. The BSL thereafter vide Letter No. TA/A/02/30-1282, dated 02.12.1977 reminded the DFO, Dhanbad to resolve the pending matter of the forest land proposed to be returned back to the Forest Department in the villages Tetulia and Satanpur, but the same could not be taken back as the formal direction from the state government for taking back the forest land was not issued.

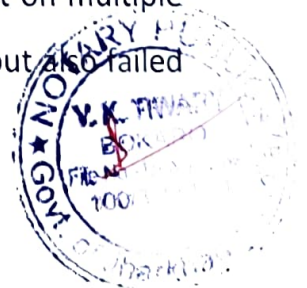


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The Bokaro Steel Ltd. through Letter No. Town Services/ TA/ LAND/ 2010/ 1642, dated 09.06.2010 addressed to the Circle Officer, Chas acknowledged that 95.65 acres of forest land in Village- Tetulia was formally handed over to Bokaro Steel Limited by the Forest Department. Further from time to time many meetings and correspondences have taken place between forest department and BSL, which clearly show that the said land has been in possession of the BSL.

- ix. That a Revisional Survey was conducted in 1985 in the locality of Tetulia, and draft report was published in the year 2013, in which the plots in question i.e. old plot nos. 426 and 450 were given new number 1268 and 1287 respectively in Khata No. 158. In the said draft revisional survey, Plot No. 1263 with an area of 18.96 acres, and Plot No. 1287 with an area of 58.96 acres, were entered in the name of Bokaro Ispat Pariyojna Authority (now known as Bokaro Steel Limited, hereinafter referred to as "BSL"), Bharat Sarkar. As per the Revisional Survey records, the khatiyon of Tetulia remained under the name of BSL until 2nd of March, 2022.

Subsequently, however, when a private entity submitted an application for a change of name before the Settlement Officer, BSL officials issued a No Objection Certificate (NOC) and submitted that the said land had not been acquired by them. Despite possessing full knowledge regarding the said land, which had been transferred to them, and having previously proposed to return it on multiple occasions, the BSL officials not only issued the NOC but also failed





to notify the Forest Department of this development. They did not disclose to the Forest Department that such an application for name change was pending with the Settlement Officer, thereby withholding pertinent information.

- x. That, the Divisional Forest Officer, Bokaro came to know about the illegal sale purchase of Government land including forest land within Bokaro District therefore by letter no. 886 dated 30.05.2015 the Divisional Forest Officer, Bokaro asked the District Sub-Registrar, Bokaro to check the registry of Forest land. A list of forest lands was provided to the District Sub-Registrar, Bokaro asking him to ensure that sale-purchase of such plots do not take place.

A photocopy of letter no. 886 dated 30.05.2015 is annexed herewith and marked as Annexure A.

- xi. That again vide letter no. 2755 dated 12.10.2017 the Divisional Forest Officer, Bokaro provided list of protected forest lands within Bokaro district to the District Sub-Registrar, Bokaro so that sale-purchase of those lands do not take place in the registry office.

A photocopy of letter no. 2755 dated 12.10.2017 is annexed herewith and marked as Annexure-B.

- xii. That on 12.03.2021 the Divisional Forest Officer, Bokaro came across a news article published in daily newspaper 'Prabhat Khabar' in which it was stated that the land in question which was transferred to Bokaro Steel City for industry and townships had been bought and sold among private individuals.



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xiii. The Divisional Forest Officer, Bokaro held a meeting with officials from Bokaro Steel City (BSL) on April 8, 2021 with regard to the forest land in Tetulia transferred to BSL and and the need to protect it from the encroachment by private individuals. However, BSL officials began to shirk the responsibility of protecting the forest land that had been transferred to them back in 1962.

xiv. That, immediately the Divisional Forest Officer Bokaro, issued show cause to the District Sub- Registrar, Bokaro vide letter no. 895 dated 12.03.2021 asking him whether he has registered any deed with respect to the land in question, and if so, then why not an action u/s 3(A) and 3(B) of the Forest (Conservation) Act, 1980 be taken against him for allowing sale purchase of notified Protected Forest Land.

A photocopy of letter no. 895 dated 12.03.2021 is annexed herewith and marked as Annexure C.

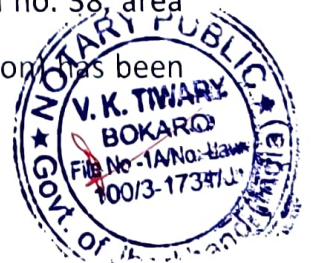
xv. That, after getting knowledge of letter no. 895 dated 12.03.2021 issued by the Divisional Forest Officer, Bokaro, one *Izhar Hussain, S/o Bara Babu Ansari, R/o Village- Ukrid, P.O. & P.S.- Sector-12 (Bokaro), District- Bokaro* filed a contempt case being Cont. Case (Civil) No. 214/2021 before the Hon'ble High Court of Jharkhand at Ranchi alleging therein that the Divisional Forest Officer, Bokaro has violated the Hon'ble Court' order dated 14.06.2018 passed in W.P. (C) no. 593/2017 (*Izhar Hussain Vs. State of Jharkhand*) and order dated 05.11.2020 passed by the Division Bench of the Hon'ble



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Court in LPA no. 786/2018 (State of Jharkhand and ors. Vrs. Izhar Hussain) by issuing letter no. 895 dated 12.03.2021 to the District Sub- Registrar, Bokaro.

- xvi. That, neither the Divisional Forest Officer, Bokaro nor the Forest Department, Government of Jharkhand were party in W.P. (C) No. 593/2017 and LPA no. 786/2018.
- xvii. That, when one learned Advocate of Jharkhand High Court namely Mr. Rahul Kumar, sent a copy of Cont. Case No. 214/2021 vide email dt. 20.03.2021, the Divisional Forest Officer, Bokaro came to know about order dated 14.06.2018 passed by the Single Judge of the Hon'ble Jharkhand High Court in W.P. (C) No. 593/2017 as well as the order dated 05.11.2020 passed by the Division Bench of the Hon'ble Court in LPA no. 786/2018. Prior to that the Divisional Forest Officer, Bokaro or the Forest Department of Government of Jharkhand were not aware with regard to the said orders of the Hon'ble Jharkhand High Court at Ranchi.
- xviii. That, after perusing the orders passed by the Hon'ble High Court it came to the knowledge of the Divisional Forest Officer, Bokaro that Izhar Hussain had filed W.P. (C) No. 593/2017 against the order dated 09.09.2016 passed by the learned Additional Collector, Bokaro and counter signed by the Deputy Commissioner, Bokaro in Misc. (4h) Case no. 110/2016-17 whereby alleged long running Jamabandi of Izhar Hussain being Jamabandi No. 1665 appertaining to Khata no. 59, plot no. 426 and plot no. 450 Thana no. 38, area 103 acre, Mouza Tetulia, Dist. Bokaro (land in question) has been

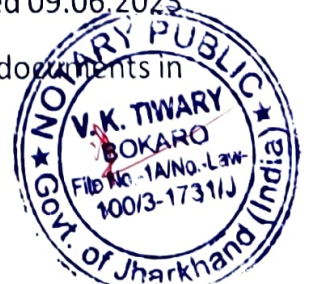


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cancelled. The said writ petition was allowed vide order dated 14.06.2018. The State of Jharkhand, thereafter preferred L.P.A. No. 786/2018 against the order dated 14.06.2018 passed in W.P. (C) No. 593/2017 by the Hon'ble Court which was dismissed vide order dated 05.11.2020. The State of Jharkhand then preferred SLP (C) No. 8108/2021 before the Hon'ble Supreme Court of India against the order dated 05.11.2020 passed in L.P.A. No. 786/2018 by the Hon'ble High Court of Jharkhand at Ranchi which was also dismissed vide order dated 06.07.2021.

A photocopy of order dated 14.06.2018 passed in W.P. (C) no. 593/2017 and order dated 05.11.2020 passed in LPA no. 786/2018 by Hon'ble High Court Ranchi, and Order dated 06.07.2021 passed in SLP (c) No. 8108/2021 by Hon'ble Supreme Court are annexed herewith and marked as Annexure D , E & F respectively.

- xix. That, Izhar Hussain is claiming the land in question on the basis of a so-called Auction Certificate Case no. 191/1933 settled by Deputy Collector, Purulia in auction in favour of Samir Mahto @ Samir Mahto who allegedly was grandfather of Izhar Hussain .
- xx. That, in order to check the veracity of the claim made by Izhar Hussain, the Divisional Forest Officer, Bokaro issued letter No. 1030 dated- 24.04.2023 to the registry office, Purulia (West Bengal) to verify the genuineness of the said documents relied by Izhar Hussain and in reply an information was provided by District Registrar, Purulia, vide letter No. 275/DR/PRL/Sf1 dated 09.06.2023 mentioning therein that there is no existence of such documents in



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his records. The District Registrar, Purulia further informed that the custodian of the said sale certificate/deed is District Collector, Purulia. The District Registrar vide letter No.-360/DR/PRL/Sf1 dated 04.08.2023 communicated that the alleged sale certificate/deed No-191/1933 has not been found in the office of District Collector, Purulia. Hence, it is clear that the sale deed no. 191/1993 is forged, fabricated and manufactured documents.

A photocopy of letter No. 1030 dated- 24.04.2023, letter No. 275/DR/PRL/Sf1 dated 09.06.2023 and letter No.-360/DR/PRL/Sf1 Dated 04.08.2023 are annexed herewith and marked as Annexure G, H & I respectively.

- xxi. That, it is also found that Izhar Hussain and Akhtar Hussain have given three registered Power of attorney to one Shailesh Kumar Singh in year 2011 and 2012. First two Power of attorney were executed even before the date of mutation of the said land in the name of Izhar hussain and Akhtar Hussain.
- xxii. That, it came to the knowledge of Divisional Forest Officer, Bokaro that Izhar Hussain along with his brother Akhtar Hussain has executed sale deed no. 719 dated 10.02.2021 through POA holder namely Shailesh Kumar Singh in favour of a company namely Umaayush Multicom Private Limited through its Director Lalan Singh for an area 74.38 acres of land out of the land in question without having any bona fide right, title, interest and possession over the land in question.



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xxiii. That, the Hon'ble High court vide order dated 14.06.2018 passed in W.P(c) No. 593/2017 was pleased to allow the writ petition of Izhar Hussain setting aside the order by which Jamabadi running in the name of Izhar Hussain was cancelled on the Ground that section 4(h) Bihar Land Reforms Act, 1950 is not applicable in the matter because the Additional Collector failed to cite the grounds for the applicability of Section 4 (h) BLR Act, 1950 in the impugned order dated 09.09.2016. However the Hon'ble court reserved the liberty with the State Government to claim title of the land in question before the competent court of Civil Jurisdiction.

xxiv. That, vide letter no.1136 dated 28.02.2023, the Bokaro Steel Ltd. informed that it has no claim over the plot in question as these plots are outside the boundary of Bokaro Steel Ltd. and it was further asserted that the Forest Department may take appropriate action with respect to the lands in question i.e. plot no. 426 and 450.

A photocopy of letter no.1136 dated 28.02.2023 is annexed herewith and marked as Annexure J.

xxv. That, Ministry of Steel vide letter dated 17.08.2023 informed Chairman, SAIL that out of 1536.40 acres forest land in possession of SAIL in Jharkhand, 756.94 acres are lying unused which appears vulnerable for illegal activities and therefore strict action to be taken to safeguard it. But, BSL didn't take any action to protect the forest land transferred to them.



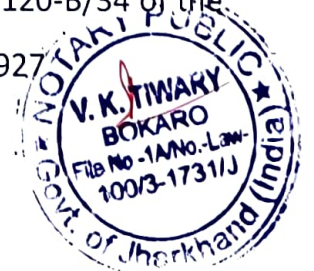
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A photocopy of letter dated 17.08.2023 is annexed herewith and marked as Annexure K.

xxvi. That, accordingly the Divisional Forest Officer, Bokaro on behalf of the State of Jharkhand has instituted a title suit against Izhar Hussain, Akhtar Hussain, Shailesh Kumar Singh, Ummayush Multicom Pvt. Ltd. and Lalan Kumar Singh being Original Suit No. 84/2024 before the learned Civil Judge, Senior Division-I, Bokaro for declaration of right, title and interest of the State of Jharkhand over the land in question.

A photocopy of plaint of Original Suit No. 84/2024 is annexed herewith and marked as Annexure L.

xxvii. That a criminal case being Complaint Case No. 106/2024 was instituted by the office of the Divisional Forest Officer, Bokaro before the Chief Judicial Magistrate, Bokaro against the Izhar Hussain, Akhtar Hussain, Shailesh Kumar Singh as well as the responsible officers of the State Government and Bokaro Steel Plant for committing fraud with the government and grabbing forest land. The learned Chief Judicial Magistrate, Bokaro exercising powers under Section 156 (3) of the Criminal Procedure Code, 1973 vide order dated 12.03.2024 was pleased to refer the matter to the Officer In-charge of Bokaro Sector-XII P.S. for registration of F.I.R. against the accused persons. As such Sector-XII P.S. Case No. 32/2024 has been instituted against the accused persons on 18.03.2024 under Sections 406/420/467/468/471/120-B/34 of the I.P.C. and Section 30/63 of the Indian Forest Act, 1927



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A photocopy of F.I.R. of Sector-XII PS case no. 32/2024 is annexed herewith and marked as Annexure M.

xxviii. That, based on some press reports that Izhar Hussain and others in connivance with the some of the revenue officials manipulated the revenue records and illegally usurped forest land, an inquiry was made by a 3 member Joint Inquiry Committee (JIC) constituted by the Revenue Department Jharkhand government, which in its inquiry report dated 09-06-2016 clearly stated that the land in question is "Gair Majorua malik kism Jungle Jhaar" as per the *Khatiyon* and also a notified forest land, and there is no evidence of possession of it by the claimant Izhar Hussain.

A photocopy of SIT Report letter no. 9/aaropbokaro-47/2016/3433 dated 09.06.2016 is annexed herewith and marked as Annexure N.

xxix. That, thereafter, a departmental proceeding was also initiated against the then Circle Officer who was allegedly instrumental in the manipulation of the revenue records by opening a *jamabandi* in favour of Izhar Hussain and his predecessors, and after the conclusion of the departmental proceeding he was dismissed from his service by the State Government, as he was found guilty in manipulating the revenue records in respect of the Forest Land.

A photocopy of Circle Officer Dismissal Order by Govt. of Jharkhand is annexed herewith and marked as Annexure O.



xxx. That it is pertinent to mention here that vide letter no. 59 dated 10.02.2024 issued by the Managing Director, Jharkhand Mineral Area Development Authority, Dhanbad, the Deputy Commissioner, Bokaro was informed that M/s Umaayush Multicom Pvt. Ltd. has made online application for sanctioning of map for carrying out construction work over land situated in Old Khata No. 59 having Old Plot Nos. 426 & 450 corresponding to New Khata No. 158 having New Plot Nos. 1263 and 1287 under Mouza- Tetulia, District- Bokaro i.e. the land in question. By the said letter the Managing Director, Jharkhand Mineral Area Development Authority, Dhanbad sought information from the Deputy Commissioner, Bokaro as to whether any title suit has been filed on behalf of the state government with respect to the said plots so that decision in accordance with law could be taken with respect to the application of the Petitioner seeking sanctioning of map.

A photocopy of letter no. 59 dated 10.02.2024 is annexed herewith and marked as Annexure P.

xxxi. That the In-charge Officer, Legal Section, Office of Deputy Commissioner, Bokaro vide letter no. 357 dated 06.03.2024 forwarded the aforesaid letter no. 59 dated 10.02.2024 to the Divisional Forest Officer, Bokaro for necessary action.

A photocopy of letter no. 357 dated 06.03.2024 is annexed herewith and marked as Annexure Q.



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xxxii. That vide letter no. 543 dated 15.04.2024 the Deputy Commissioner, Bokaro sought information from the Divisional Forest Officer, Bokaro as to whether any title suit or encroachment proceedings has been instituted with respect to the land in question.

A photocopy of letter no. 543 dated 15.04.2024 is annexed herewith and marked as Annexure R.

xxxiii. That at the relevant time the title suit was not instituted for want of approval from the higher authorities. However, later on, after obtaining necessary approvals, Original Suit No. 84/2024 was instituted by the Divisional Forest Officer, Bokaro before the court of learned Civil Judge, Senior Division-I, Bokaro for declaration of title of the State of Jharkhand over the land in question.

xxxiv. That although Ummayush Multicom Pvt. Ltd. is having mutation in its favor with respect to the land in question, however, no construction can be carried by it over the land without prior approval of MoEF & CC, Government of India since its nature in the revenue records is forest land.

xxxv. That since Ummayush Multicom Pvt. Ltd. intended to carry out construction over the land in question, as such, the Divisional Forest Officer, Bokaro vide his letter no. 828 dated 29.04.2024 directed Ummayush Multicom Pvt. Ltd. to not carry any non-forestry activity over the land in question without prior approval of Ministry of Environment, Forest & Climate Change, Government of



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India as the nature of land is forest land failing which it would attract penal action under the Forest (Conservation) Act, 1980.

A photocopy of letter no. 828 dated 29.04.2024 is annexed herewith and marked Annexure S.

xxxvi. That similarly vide letter no. 771 dated 23.04.2024 the Divisional Forest Officer, Bokaro issued an advisory to the Managing Director, Jharkhand Mineral Area Development Authority, Dhanbad to ensure that the provisions of Forest (Conservation) Act, 1980 is not violated and before granting any permission for carrying out non-forestry activity such as construction over the land in question, due permission from Government of India is obtained.

A Photocopy of letter no. 771 dated 23.04.2024 is annexed herewith and marked as Annexure T.

xxxvii. That being aggrieved by the letter no. 828 dated 29.04.2024, Umaayush Multicom Pvt. Ltd. preferred Cont. Case (Civil) No. 956 of 2024 against the Divisional Forest Officer, Bokaro alleging violation of order dated 05.11.2020 passed by the Division Bench of Hon'ble Jharkhand High Court in L.P.A. No. 786/2018.

xxxviii. That Umaayush Multicom Pvt. Ltd. filed a supplementary affidavit in the contempt case alleging that by issuing letter no. 771 dated 23.04.2024 to the Managing Director- Jharkhand Mineral Area Development Authority the Divisional Forest Officer, Bokaro has again committed contempt.



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- xxxix. That when the contempt case was taken-up by the Hon'ble High Court, the Divisional Forest Officer, Bokaro filed show-cause affidavits trying to explain that no contempt has been committed by issuing letter no. 828 dated 29.04.2024 and letter no. 771 dated 23.04.2024. The Divisional Forest Officer, Bokaro further tried to convince the Hon'ble Court that Forest (Conservation) Act, 1980 is applicable over the land in question even if jamabandi is running in favor of the said private party and that the private party is required to obtain clearance from Government of India before carrying out of the construction work.
- xl. That the Hon'ble Court however was not convinced with the explanation tendered by the Divisional Forest Officer, Bokaro and insisted him to withdraw letter no. 828 dated 29.04.2024 and letter no. 771 dated 23.04.2024.
- xli. That when Divisional Forest Officer, Bokaro sought advice of the Regional Chief Conservator of Forest, Bokaro, the Regional Chief Conservator of Forest, Bokaro advised the Divisional Forest Officer, Bokaro to not withdraw letter no. 828 dated 29.04.2024 and letter no. 771 dated 23.04.2024. He vide letter no. 1966 dated 28.10.2024 informed Mr. Ashutosh Anand, Ld. Addl. Advocate General-III, Jharkhand High Court that they would not like to withdraw the said letters issued by DFO, Bokaro as they are acting in accordance with the provisions of Forest Conservation Act, 1980, the order dated 12.12.96 passed by the Hon'ble Supreme Court of India in W.P.(C) No. 202/1995 i.e. **T.N. Godavarman's case** and also as per the observations made by this Hon'ble Court in the order dated



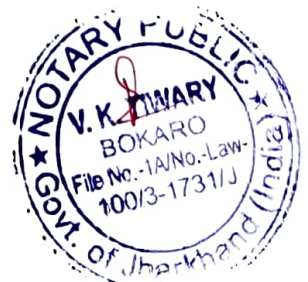
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05.11.2020 in LPA No. 786/2018 which is the order under alleged contempt, and as such no contempt of the orders of Hon'ble High Court has been committed.

A photocopy of letter no. 1966 dated 28.10.2024 is annexed herewith and marked as Annexure U.

- xlii. That when the Hon'ble High Court was informed that pursuant to the direction of the Regional Chief Conservator of Forest, Bokaro the Divisional Forest Officer, Bokaro is not withdrawing letter no. 828 dated 29.04.2024 and letter no. 771 dated 23.04.2024, the Hon'ble Court vide order dated 28.10.2024 was pleased to admit the contempt case against the Divisional Forest Officer, Bokaro and notice of contempt in Form-I under Rule 393 of Jharkhand High Court Rules, 2001 was directed to be issued. The Divisional Forest Officer, Bokaro has further been directed to remain physically present before the Hon'ble Jharkhand High Court on the next date of the contempt case i.e. 03.12.2024. The Hon'ble Court has further found that prima facie the Regional Chief Conservator of Forest, Bokaro has also committed contempt by issuing letter no. 1966 dated 28.10.2024 and as such he has been impleaded as opposite party/contemnor in the contempt case and directed to file show-cause before the next date.

A copy of order dated 28.10.2024 passed in Cont. Case (Civil) No. 956 of 2024 is annexed herewith and marked as Annexure V.



~~X~~

- xl.iii. That it is humbly submitted that due to pendency of Cont. Case (Civil) No. 956 of 2024, the Divisional Forest Officer, Bokaro is unable to institute prosecution under the Forest (Conservation) Act, 1980 against Umaayush Multicom Pvt. Ltd. for carrying construction work over the land in question.
- xl.iv. That however the Divisional Forest Officer, Bokaro is pursuing the Original Suit No. 84/2024 for declaration of right, title and interest of the State of Jharkhand over the land in question.
- xl.v. That as soon as the Original Suit No. 84/2024 is admitted by the learned court, the Divisional Forest Officer, Bokaro shall take immediate steps for obtaining injunction against the private individuals who are carrying out construction activity over the land in question.
- xl.vi. That the Divisional Forest Officer, Bokaro is also pursuing the criminal case Sector-XII PS case no. 32/2024 which has been registered against the individuals who by forging documents have grabbed the land in question which is a notified protected forest land.
- xl.vii. That from the aforementioned facts and circumstances it is evident that the Divisional Forest Officer, Bokaro is taking all the necessary actions for protecting and saving the land in question.
5. Now dealing with the para to para;



~~X~~

with reference to paragraph nos. 1 to 3 of the said Original Application, save and except what are matter of records I deny and dispute the satetments contained therein.

6. With reference to paragraph nos. 4, 5, 6, 7, and 13 of the said Original Application, save and except what are matter of records I deny and dispute the statements contained therein. I state that the Divisional Forest Officer, Bokaro is taking all the necessary actions for protecting and saving the land in question.
7. With reference to the grounds mentioned therein, I state that the same are baseless as the the Divisional Forest Officer, Bokaro is taking all required efforts ann necessary actions for protecting and saving the land in question.
8. That the answering respondent seeks leave to file any further affidavits, if required, as per direction of the Hon'ble Tribunal.
9. That, this Affidavit is filed bonafide and in the interest of justice. It is therefore prayed that Your Lordships, may kindly be pleased to accept the instant affidavit.
10. I state that the statements contained in paragraphs Nos. 1 to 3 are true to my knowledge, the statements contained in paragraph No. 4 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.



VERIFICATION

I, Ragnim kumar, son of Birendra Singh, aged about 35 years, by Religion - Hindu, by Occupation - Service under the State Government of Jharkhand in the office of Divisional Forest Officer, Bokaro, Government of Jharkhand, having its office at Bokaro Forest Division, Van Bhawan, Chas Block-B, J5FH+6PJ, DSP Colony, Shivpuri Colony, Bokaro Steel City, Chas, Pincode - 827013, Jharkhand.

Date: 11/11/2024

Place: Bokaro

Ragnim kumar

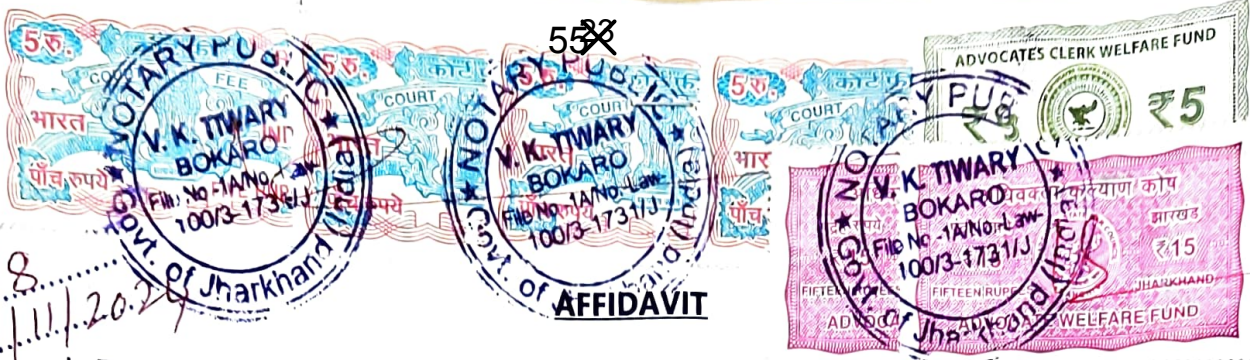
Deponent

Identified by me:

Advocate



Sl. No. 58
Date 11/11/2024



I, **RAJNISH KUMAR (IFS)**, Divisional Forest Officer, Bokaro, aged about- 39 years, S/o Sri. Birendra Prasad Singh, office at Van Bhawan, Purulia Road, P.O. & P.S.-Chas, District- Bokaro, Jharkhand, do hereby solemnly affirm and declare on oath as follows;

1. That, I am the Divisional Forest Officer, Bokaro and I am dealing with the connected records of the case in possession of the ~~Principal Chief Conservator of Forests, Jharkhand~~ and as such I am well acquainted with the facts and circumstances of the case.



That, the statements contained in paragraph nos. 1 to 3 are true to my knowledge, and those contained in paragraph nos. 4 are derived from the official relevant records of the case which I verily believe to be true and are my respectful submissions before this Hon'ble Tribunal.

Prepared in my office

Deponent

Advocate.

SRI/SMT. Rajnish Kumar
ON DULY IDENTIFIED BY THE
ADVOCATE SRI/SMT. R. Kumar
SOLEMNLY AFFIRMED BEFORE
ME

V.K. Tiwary
NOTARY PUBLIC
BOKARO
No.-1A/No.-Law-100/3-1731/J

Identified by
[Signature]
Adv
11.11.2024

कार्यालय :- वन प्रमण्डल पदाधिकारी, बोकारो वन प्रमण्डल, बोकारो।

E-mail : dfobokarodivision@rediffmail.com

Phone no : +91-6542-265142

पत्रांक :- ४४६

दिनांक :- ३०.०५.२०१५

सेवा में,

अवर निबन्धक,
चास (बोकारो)।

विषय :- बोकारो वन प्रमण्डल, बोकारो के अन्तर्गत विभिन्न मौजाओं के सुरक्षित वनभूमि प्लॉटों को अवैध अतिक्रमण से बचाने के सम्बन्ध में।

महाशय,

उपरोक्त विषय के सम्बन्ध में कहना है कि आये दिन ऐसी सूचनाएँ मिलती रहती हैं कि सुरक्षित वनभूमि पर किसी व्यक्ति या संस्था द्वारा चाहरदिवारी या कोई अन्य निर्माण कार्य कराया जा रहा है। सरजमीन पर इस अवैध अतिक्रमण और गैरवानिकी कार्य को रोके जाने पर वह व्यक्ति या संस्था सम्बन्धित भूमि के रैयती होने का दावा के साथ रजिस्ट्री, म्यूटेशन के कागजात या मालगुजारी रसीद आदि की छायाप्रति दिखाने लगते हैं और वनकर्मी को ही उल्टे मुकदमे में फँसाने की धमकी आदि देते हैं।

अधोहस्ताक्षरी के समक्ष जो मामले आये, उनके अनुभव के आधार पर अधोहस्ताक्षरी को यह स्पष्ट हुआ है कि भूमि माफियाओं के कार्य का तरीका (Modus operandi) यह है कि वे सबसे पहले फर्जी कागजातों के आधार पर वनभूमि का कोई फर्जी स्वामी खड़ा करते हैं और उससे इस भूमि का क्रय करते हैं। यद्यपि यह प्रक्रिया बिल्कुल ही अवैध है, परन्तु अन्दर-अन्दर चल रही इन गतिविधियों का वन विभाग को कोई पता नहीं चल पाता है। रजिस्ट्री ऑफिस भी अपने स्तर से अवैध क्रय-विक्रय होनेवाली भूमि की प्रकृति (Nature of the land) की जाँच पड़ताल नहीं करता और सरकार को राजस्व प्राप्त हो रहा है, इस तर्क के साथ भूमि की रजिस्ट्री हो जाती है। इसके बाद इन कागजातों के आधार पर सम्बन्धित अंचलाधिकारी के कार्यालय से नामांतरण (Mutation) की कार्रवाई भी हो जाती है और मालगुजारी रसीद भी काट दिया जाता है। ये सारे कागजात प्राप्त करने के बाद भूमि-माफिया तत्व सरजमीन पर वास्तविक अतिक्रमण का प्रयास करते हैं। इस स्टेज में आकर वन विभाग को इस सन्दर्भ में ज्ञात हो पाता है और जब अतिक्रमणकारियों पर वन अधिनियम के प्रावधानों के अन्तर्गत कानूनी कार्रवाई की जाती है तो वे न्यायालय में उक्त सारे कागजात, जो गैर कानूनी तरीके से प्राप्त किए गये होते हैं, दिखाते हैं। इतना ही नहीं वे अनुमण्डल पदाधिकारी के कोर्ट में यह दावा करते हुए वाद दायर करते हैं कि उनकी रैयती जमीन पर निर्माण करने

से रोककर वन विभाग उन्हें तंग-तबाह कर रहा है और इसके पीछे वनकर्मियों की गलत प्रथा है। कई बार इस सन्दर्भ में सरजमीन पर वनकर्मियों के साथ भूमि-माफिया तत्वों द्वारा अमरुद व्यवहार भी किये गये हैं और वनकर्मियों के विरुद्ध झूठे मुकदमें भी दायर किये गये हैं। ऐसे अनेक मामले अधोहस्ताक्षरी के सामने पिछले वर्षों में आये हैं। कई मामले में तो भूमि-माफिया तत्वों द्वारा अधोहस्ताक्षरी को भी झूठे मुकदमे में फँसाने का प्रयास किया गया है। ऐसी विकट परिस्थिति में वन विभाग के निहत्थे कर्मियों द्वारा वनभूमि की रक्षा हो पाना दिन-दिन कठिन से कठिनतर होता जा रहा है।

ऊपर की कण्डिका से आपको स्थिति की गम्भीरता स्पष्ट हुई होगी। स्पष्ट है कि सरकार के एक विभाग से गैर-कानूनी तरीके से अवैध कागजात प्राप्त कर भूमि माफिया वनभूमि का अतिक्रमण भी कर रहे हैं और ऊपर से सीनाजोरी दिखाते हुए वनकर्मियों को झूठे मुकदमें में फँसा भी रहे हैं। इस स्थिति तक पहुँचने में भूमि माफियाओं के साथ-साथ सरकारी कर्मियों का दोष भी स्पष्ट रूप से परिलक्षित होता है, जो बिना वन विभाग से सम्पर्क किए और सच्चाई जानने का प्रयास किए बिना आनन-फानन में सुरक्षित वनभूमि का अवैध रजिस्ट्रेशन/खरीद-बिक्री के अभिलेख के आधार पर नामांतरण तथा सरजमीन पर इस वनभूमि की मापी भी करवा देते हैं और मालगुजारी रसीद भी काट देते हैं। इस सन्दर्भ में उल्लेखनीय है कि अधिसूचित सुरक्षित वनभूमि की प्रकृति अधिसूचना निर्गत होने के बाद नहीं बदलती है और ऐसी वनभूमि की खरीद-बिक्री बिल्कुल ही गैरकानूनी है।

माननीय सर्वोच्च न्यायालय, नई दिल्ली के द्वारा वाद संख्या 202/95 में दिनांक 12.12.1996 को वन (संरक्षण) अधिनियम, 1980 एवं वनों के सन्दर्भ में निम्नवत आदेश दिए गए

"...The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of section 2(1) of the Forest Conservation Act. The term "forest land", occurring in section 2, will not only include "Forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof..."

माननीय सर्वोच्च न्यायालय के उक्त आदेश से स्पष्ट है कि सिर्फ अधिसूचित एवं सीमांकित वनभूमि ही नहीं बल्कि किसी भी सरकारी अभिलेख में जंगल झाड़ी के रूप में दर्ज भूमि भी वन (संरक्षण) अधिनियम, 1980 के दायरे में आती है और ऐसी सभी भूमि पर किसी भी प्रकार का गैरवानिकी कार्य निषिद्ध है।

ऊपर की कण्डिकाओं में वर्णित स्थितियों तथा माननीय सर्वोच्च न्यायालय के उपरोक्त आदेश के मद्देनजर वनभूमि पर किसी भी अवैध कार्य को रोकने के उद्देश्य से इस पत्र के साथ बोकारो वन प्रमण्डल, बोकारो में विभिन्न प्रक्षेत्रों के अन्तर्गत विभिन्न मौजाओं में अधिसूचित (Notified) / सीमांकित (Demarcated) सुरक्षित वनभूमि (Protected Forest Land) के कुल रकबे एवं उससे सम्बन्धित प्लॉटों (Plots) की सूची अनुलग्नक के रूप में संलग्न की जा रही है, जो कुल छब्बीस पृष्ठों की है। सुविधा हेतु इसकी सॉफ्ट कॉपी भी सी0डी0 के रूप में संलग्न है।

उपरोक्त परिप्रेक्ष्य में आपसे अनुरोध है कि रजिस्ट्री कार्यालय में इस बात पर ध्यान देते हुए यह सुनिश्चित करने की कृपा की जाए कि वनभूमि की अवैध खरीद-बिक्री न हो सके। जिस मौजा के किसी प्लॉट में सुरक्षित वनभूमि अधिसूचित है, तो उस प्लॉट के सन्दर्भ में रजिस्ट्री के पूर्व आवश्यकतानुसार इस कार्यालय से सम्बन्धित भूमि के सुरक्षित वनभूमि होने या सुरक्षित वनभूमि की सीमा से बाहर होने सम्बन्धी जाँच करवाई जा सकती है।

उल्लेखनीय है कि उक्त अवैध कार्य करते हुए वनभूमि को क्षति पहुँचाने और वनभूमि पर गैरवानिकी कार्य करने में सहयोग करने वाले सभी पदाधिकारी वन (संरक्षण) अधिनियम, 1980 के प्रावधानों के अन्तर्गत दोष के भागी होंगे।

अनुलग्नक—यथोक्त।

(कुल छब्बीस पृष्ठ एवं एक सी0डी0)

विश्वासभाजन

(K) 3-105/2015

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

A

9/C

कार्यालय :- वन प्रमण्डल पदाधिकारी, बोकारो वन प्रमण्डल, बोकारो।

E-mail : dfobokarodivision@rediffmail.com

Phone/FaxNo : +91-6542-265142

पत्रांक :- 2755

दिनांक :- 12/10/2017

सेवा में,

1. जिला अवर निबन्धक,
बोकारो।
2. अवर निबन्धक, तेनुघाट।

विषय :- प्रतिबन्धित वनभूमि से सम्बन्धित **Negative list** के सम्बन्ध में।

महाशय,

उपर्युक्त विषय के सम्बन्ध में सूचित करना है कि इस प्रमण्डल के क्षेत्राधीन पड़ने वाले विभिन्न पी0एफ0 मौजाओं के अधिसूचित एवं सीमांकित सुरक्षित वनभूमि के प्लॉटों का सूची तैयार कर सी0डी0 के साथ इस पत्र के साथ संलग्न कर भेजी जा रही है।

अतः अनुरोध है कि उपरोक्त सूची में वर्णित पी0एफ0 मौजा/प्लॉटों को प्रतिबन्धित वनभूमि से सम्बन्धित **Negative list** में रखी जाय, तथा किसी भी परिस्थिति में अधिसूचित एवं सीमांकित सुरक्षित वनभूमि में सन्निहित प्लॉटों का खरीद-बिक्री/म्यूटेशन (जमाबंदी) नहीं की जाए।

अनुलग्नक-यथोक्त।

(कुल चौदह पृष्ठ एवं सी0डी0 के साथ)

विश्वासभाजन,

ह0/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक

दिनांक

प्रतिलिपि :- अनुलग्नक की प्रति के साथ अनुमण्डल पदाधिकारी, चास/अनुमण्डल पदाधिकारी, बेरमो, तेनुघाट को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक

2755

दिनांक

12/10/2017

प्रतिलिपि :- अनुलग्नक की प्रति के साथ उपायुक्त, बोकारो/अपर समाहर्ता, (राजस्व एवं भूमि सुधार), बोकारो/ भूमि सुधार उप समाहर्ता, बोकारो को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

o/c

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

Bokaro Forest Division, Bokaro
Chas Forest Range

Sl. No.	Name of the Protected forests (P.F.)	Thana	Revenue Thana No.	Details of Notified / Demarcated Forest Plots
1	2	3	4	6
1	Maheshpur	Chas	4	1218, 1289, 1220, 1279, 1283, 249, 1168, 1240
2	Mahuar	Chas	6	4698
3	Asansol	Chas	8	1988, 1989, 1897, 2024, 2118, 2169, 2209, 2303, 2000, 2191, 2297, 533
4	Panrua	Chas	9	1047
5	Harila	Chas	12	391, 6786
6	Pirargaria	Chas	18	2, 19, 21, 16, 50, 81, 133, 139, 161 and 299
7	Bhatua	Chas	21	431, 398, 191, 397, 372, 275, 274, 314, 4315, 5017, 4554, 4558, 3357, 3358, 3350, 3349, 3488, 3619, 396
8	Pupunkighatbera	Chas	24	1231, 1236, 5917, 5977, 6029, 6030, 6232, 6160, 6370, 1235, 5990, 5991, 1235, 6273, 6370
9	Bhawanidih alis Phudanidi	Chas	27	67, 69, 68, 63, 66, 44, 45, 46, 47, 48, 40, 24, 8, 10, 209, 216, 376, 377, 384, 28, 29, 27, 2, 7, 6, 11, 385, 386, 387, 388, 389, 390, 383, 144, 145, 210, 391, 378, 58, 43
10	Dumargor	Chas	28	934, 806, 824, 857, 1012, 1017, 1270, 791, 757
11	Chas	Chas	30	7788, 7790, 7925, 7885, 7926, 7360, 7358, 7768, 7562, 7923
12	Kamaldih	Chas	31	337, 370, 20, 335, 57, 170, 69, 44, 444, 24
13	Shiarda	Chas	32	815, 944, 943, 940, 942
14	Narayanpur	Chas	33	5339, 4790, 5371, 3589, 11, 4792, 4793, 4791, 4794, 5332, 5333
15	Bandhgora	Chas	35	15, 18, 1025, 1022, 985, 978, 1040, 5, 778, 4339
16	Ukrid	Chas	37	1431, 1514, 1465, 1515, 1384
17	Tetulia	Chas	38	426, 450, 483, 554, 479
18	Satanpur	Chas	39	2326, 2360, 2324, 2003, 2247, 1504, 2409, 956, 943, 964
19	Amdiha	Chas	40	1296, 1195, 1196, 1154, 1132, 2
20	Ghatiali	Chas	41	10455, 10452, 10453, 2036, 2005, 10458, 2447, 10451, 5225, 5183, 3, 737, 731, 732, 734, 882, 2006, 5165, 2052, 10451
21	Sunta	Chas	42	627, 221, 1272, 2287, 2346, 3883, 3884
22	Chitami	Chas	43	3525, 3562, 3624
23	Bahadurpur	Chas	45	1698, 1723
24	Chakalia	Chas	46	17, 19, 264, 1513, 1543, 1613, 2520, 2464, 2510, 2515, 2516, 2517, 2527, 2526, 2518, 2519, 18, 2513, 2514, 2511, 2523, 2512
25	Jogidih alis Raghunathdih	Chas	47	1, 269
26	Durgapur	Chas	49	2905
27	Gopidi	Chas	50	12, 50, 120, 121
28	Kanrra	Chas	51	63, 93, 455, 187, 458, 516, 525, 99, 522, 5199, 5209, 5200, 5214, 5213, 5212, 5216, 5215, 5196, 5198, 5026, 5187, 5027, 5206, 206, 244, 188, 448, 5195, 5197, 5205, 5207, 5201, 5210, 5211, 5222, 5202, 5203, 534, 565, 1039, 5244, 5248, 5249, 5250, 5251, 1942, 5258, 214, 249, 5177, 5833, 4451, 4456, 4585, 2178, 4458, 5226, 5285, 5286, 5289, 5280, 5253, 5254, 5255, 4587, 5278, 4969, 5290, 4692, 5292, 5097, 5299, 5086, 5298, 5264, 5256, 5257, 5259, 5083, 5255, 5252, 5263, 4968, 5276, 5260, 5261, 5262, 5272, 5291, 5288, 5287, 4628, 5293, 5245, 5274, 4968, 2173, 453, 5022, 1941, 515, 4587, 2833, 5779
29	Bhawanipur alis Salagidih	Chas	52	814, 855, 928, 929, 1327, 1359, 1368
30	Jamgoria	Chas	53	1598, 2210, 2047, 2041, 2207, 2187
31	Bodro	Chas	59	800, 1256, 786, 720, 828, 1232
32	Dhandabar	Chas	61	243, 244, 242, 1150, 1164, 1163, 1161, 1156, 1160, 1165, 1177, 1179, 1180, 1181, 1182, 859, 862, 850, 1162, 869, 1027, 1162
33	Siaigajra	Chas	68	369, 377, 372, 2, 756, 757, 128, 220, 648, 588, 641



कार्यालय :- वन प्रमण्डल पदाधिकारी, बोकारो वन प्रमण्डल, बोकारो।

BLOCK-A, VAN BHAWAN, PURULIA ROAD, CHAS, BOKARO-827013

E-mail : dfo-bokaro@gov.in & bokarodfo@gmail.com

Phone/Fax No : +91-6542-265142

पत्रांक :- 895

दिनांक :- 12/03/2021

सेवा में,

जिला अवर निबंधक,
बोकारो।

विषय :- मौजा-तेतुलिया, थाना नं०-38 के अधिसूचित वनभूमि के प्लॉट सं०-426, 450, 483, 554 एवं 479 रकवा-95.65 एकड़ के संबंध में।

प्रसंग :- इस कार्यालय का पत्रांक-886 दिनांक-30.05.2015 एवं पत्रांक-2755 दिनांक-12.10.2017

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र द्वारा आपको वनभूमि की मौजावार सूची सॉफ्ट कॉपी एवं हार्ड कॉपी में उपलब्ध कराई गई है और स्पष्ट रूप से सूचित किया गया था कि वनभूमि की अवैध खरीद-बिक्री न हो, इसे सुनिश्चित करें।

पुनः इस कार्यालय के पत्रांक-2755 दिनांक-12.10.2017 द्वारा वनभूमि की सूची सॉफ्ट कॉपी और हार्ड कॉपी में आपको उपलब्ध कराते हुए सूची में वर्णित पी०एफ० मौजा/प्लॉट को प्रतिबंधित सूची (Negative List) में रखने तथा किसी भी परिस्थिति में अधिसूचित/सीमांकित वनभूमि में सन्निहित प्लॉटों का खरीद-बिक्री/म्यूटेशन (जमाबंदी) नहीं करने का अनुरोध किया गया है।

दैनिक समाचार-पत्र प्रभात खबर में दिनांक-12.03.2021 को प्रकाशित खबर से ज्ञात होता है कि आपके द्वारा मौजा-तेतुलिया पी०एफ० के प्लॉट सं०-426 एवं 450 वनभूमि के खरीद-बिक्री का निबंधन (Registry) किया गया है। सुलभ संकेत हेतु अखबार के कतरन की छायाप्रति संलग्न है। प्लॉट सं०-426 एवं 450 अधिसूचित वनभूमि है। उक्त वनभूमि पर किसी प्रकार का गैर-वानिकी कार्य करना नियम के प्रतिकूल है। माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा वाद सं०-202/95 में दिनांक-12.12.1996 को पारित आदेश के आलोक में अधिसूचित वनभूमि पर गैर वानिकी कार्य करने हेतु वन संरक्षण अधिनियम, 1980 के प्रावधान के अन्तर्गत कार्रवाई अपेक्षित है। माननीय सर्वोच्च न्यायालय द्वारा पारित आदेश की सुसंगत कंडिका निम्नवत है :-

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and fore matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as

forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.

अनुरोध है कि उपरोक्त परिप्रेक्ष्य में पत्र प्राप्ति के तीन दिनों के अन्दर स्पष्ट करें कि क्या आपके द्वारा मौजा-तेतुलिया के अधिसूचित वनभूमि के प्लॉट सं०-426 एवं 450 का निबंधन (Registry) किया गया है ? अगर किया गया है, तो माननीय सर्वोच्च न्यायालय द्वारा पारित आदेश का उल्लंघन है और वन संरक्षण अधिनियम, 1980 की धारा 3(A) एवं 3(B) के अन्तर्गत कार्रवाई क्यों नहीं की जाय।

अनु०-यथोक्त।

विश्वासभाजन,

ह०/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक दिनांक

प्रतिलिपि :- उपायुक्त, बोकारो को इस कार्यालय के पत्रांक-810 दिनांक-16.05.2015, ज्ञापांक-2755 दिनांक-12.10.2017 एवं पत्रांक-2500 दिनांक-12.11.2020 के क्रम में सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित। अनुरोध है कि माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा वाद सं०-202/1995 दिनांक-12.12.1996 को पारित आदेश के आलोक में आवश्यक कार्रवाई करने की कृपा की जाय तथा अपने स्तर से जिला अवर निबंधक, बोकारो को अपेक्षित कार्रवाई हेतु निदेशित किया जाय।

ह०/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक दिनांक

प्रतिलिपि :- अपर समाहर्ता, बोकारो को इस कार्यालय के ज्ञापांक-810 दिनांक-16.05.2015, ज्ञापांक-2755 दिनांक-12.10.2017 एवं ज्ञापांक-2500 दिनांक-12.11.2020 के क्रम में सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक दिनांक

प्रतिलिपि :- अवर निबंधक, तेनुघाट को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक दिनांक

प्रतिलिपि :- अनुमण्डल पदाधिकारी, चास तथा अनुमण्डल पदाधिकारी, बेरमो (तेनुघाट) को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक दिनांक

प्रतिलिपि :- अंचल अधिकारी, चास को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक दिनांक

प्रतिलिपि :- वन क्षेत्र पदाधिकारी, चास वन प्रक्षेत्र को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित। निदेशित किया जाता है कि मौजा-तेतुलिया के प्लॉट सं0-426 एवं 450 की जाँच-पड़ताल कर पत्र प्राप्ति के तीन दिनों के अन्दर वस्तुस्थिति से अवगत कराना सुनिश्चित करें। इसे सर्वोच्च प्राथमिकता दें।

ह0/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक दिनांक

प्रतिलिपि :- वन संरक्षक, प्रादेशिक अंचल, बोकारो को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0/-

वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।

ज्ञापांक 895

दिनांक 12/03/2021

प्रतिलिपि :- क्षेत्रीय मुख्य वन संरक्षक, बोकारो को सादर सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

वन प्रमण्डल पदाधिकारी
बोकारो वन प्रमण्डल, बोकारो।

12-3-21

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No.593 of 2017

Izhar Hussain.

..... Petitioner.

-Versus-

1. The State of Jharkhand, through Chief Secretary, Project Bhawan, Dhurwa, Ranchi.
2. The Principal Secretary, Department of Revenue & Land Reforms, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi.
3. The Commissioner, North Chhotanagpur Division, Hazaribag.
4. The Deputy Commissioner, Bokaro.
5. The Additional Commissioner, Bokaro.
6. The Circle Officer, Chas, district Bokaro.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Indrajit Sinha, Advocate
For the State : Mr. Rajiv Anand, G.A.IV

Order No.08

Date: 14.06.2018

1. The present writ petition has been filed for quashing the order dated 09.09.2016 passed in Misc. (4h) Case No. 110 of 2016-17 by the court of learned Additional Collector, Bokaro and countersigned by the Deputy Commissioner, Bokaro, whereby long running Jamabandi of the petitioner, being Jamabandi No.1665, appertaining to Khata No. 59, Plot Nos.426 and 450, Thana No. 38, area 103 acres, Mouza Tetulia, District Bokaro, has been cancelled. The petitioner has also prayed for quashing the order contained in memo no.6387 dated 15.12.2016 passed by the Joint Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, whereby the consent for cancellation of Jamabandi of the petitioner has been given with a direction to take possession of the land. Further prayer has been made for quashing letter No.80/Revenue dated 18.01.2017 issued under the signature of the Deputy Commissioner, Bokaro, whereby the Circle Officer, Chas has been directed to delete the name of the petitioner mentioned in the Register II, at Page 1665 by cancelling the Jamabandi and to take possession of the land.
2. The factual background of the case, as stated in the writ petition, is that the land appertaining to Khata No. 59, Plot Nos.426 and 450, area 103 acres, situated in village - Tetulia, Anchal - Chas, (hereinafter called the said land) was given by Shri Chamtu Singh to Raj Kumar Singh Tikat by way of Jot Patta vide deed no.311 dated 31.12.1893

and the rent was assessed vide Rent Suit No.260 of 1928-29. Thereafter, vide Deed No. 5018 dated 25.11.1933 the said land was surrendered. The Deputy Collector, Purulia vide Certificate Case No.191 of 1933 settled the said land in an auction proceeding in favour of one Samir Mahat @ Samir Mahto (the ancestor of the petitioner) who came in possession of the same. On 26.06.2012, a certificate was issued by the Circle Officer, Chas certifying that the said land was settled in the name of Samir Mahto, the grandfather of the petitioner vide Auction Certificate Case No.191/1933. One Niraj Mohan preferred an application before the Additional Collector, Bokaro for verification of the land of the petitioner, as the same is "Gair Abad Malik", as per the Khatian, whereas the mutation of the said land has been done and the rent receipts are being issued in favour of the petitioner. On the basis of the said application, a proceeding being Misc. Case No.56/2015-16 was initiated, wherein the final order was passed on 17.03.2016 after making due enquiry and considering the report of the Halka Karamchari. It has been mentioned in the report that the present raiyats i.e Izhar Hussain and Akhtar Hussain are the recorded raiyats of Register-II in Thoka (Lot) No. 1665 which is absolutely correct and proper and thus the application of Niraj Mohan was held to be baseless and false. Thereafter, a notice dated 30.05.2016 was issued by the Circle Officer, Chas intimating the petitioner to appear on 14.6.2016 to put forth his stand as Jamabandi over the said land was found to be illegal/suspicious. Thereafter, a case was instituted by the Additional Collector, Bokaro, being Misc. (4h) case No. 110 of 2016-17 and a notice was issued to the petitioner from the Court of Addl. Collector, Bokaro seeking reply as to why the Jamabandi of the petitioner over the said land be not cancelled u/s 4(h) of the Bihar Land Reforms Act, 1950 (in short 'the Act, 1950'). The petitioner filed his reply and the final order was passed on 09.09.2016 by the Additional Collector, Bokaro as well as the Deputy Commissioner, Bokaro whereby the Jamabandi of the petitioner over the said land was annulled holding inter alia that the same was illegal and false as per section 4(h) of the Act, 1950.

3. The learned counsel for the petitioner submits that on the basis of the Auction Certificate Case No.19 of 1933, the Jamabandi was created initially in the name of the grandfather of the petitioner and thereafter

in the name of the petitioner, whereby the land was settled in the name of Samir Mahto (the grandfather of the petitioner). It is also submitted that the Jamabandi created by the order of the Circle Officer has been declared false and fabricated only on the ground that the same has been written by a ball pen whereas during the year 1965-66, ball pen was not in use. However, as a matter of fact, ball pen was invented in the year 1938 itself. It is further submitted that the concerned authorities have completely ignored the documents produced by the petitioner which are of the year 1933 and have based their order primarily on issue of the invention of the ball pen during the relevant year. It is further submitted that in the impugned order dated 9.5.2016 the respondent authorities have observed that the land has been notified as a Forest Land vide notification dated 14.05.1958 but the said notification has also not been brought on record. Moreover, the raiyati land cannot be notified as a forest land unless and until the same is acquired after giving proper compensation. It is further submitted that after the land is declared as a forest land, the same is also required to be shown in map of the forest department, but the forest department has also been unable to produce any such map of the land which could have confirmed the said notification showing the land in question as forest land. It is further submitted that there was a criminal case instituted by the concerned department regarding the said land, which was numbered as Sector-XII P.S Case No.50 of 2016, wherein the SIT had investigated the matter but it could not find any such map of the aforesaid land from the forest department. It is also submitted that the auction certificate case instituted in the year 1933 was sent for verification to the Purulia Sub-Registrar vide letter no.1282 dated 29.06.2016, but without waiting for any report from the Purulia Sub-Registrar, the impugned order was passed and as such the authenticity of the said document could not be verified. It is further submitted that the long running Jamabandi cannot be cancelled by initiating a proceeding under Section 4(h) of the Act, 1950 as a summary proceeding. The respondents should have looked into the documents produced by the petitioner which were about 80 years old. The proceeding under section 4(h) can only be initiated if any transfer was made at any time after the first day of January 1946 with an object to defeat the provisions of the Act, 1950 or for causing

loss to the State or for obtaining higher compensation from the State. It would be evident from Register-II Tenancy Ledger that by the order of the Circle Officer, Chas the land was mutated in the name of Samir Mahto son of Bhuran Mahto- caste Muslim (the ancestor of the petitioner). Initially the rent receipts were being issued regularly in the name of Samir Mahto and, subsequently, the same were issued in the name of Izhar Hussain (the petitioner), who is the grandson of Samir Mahto. The petitioner also sold 6 decimals of land out of the said land to one Badu Ram, who got his name mutated vide correction slip dated 20.11.2015 and, thereafter, the rent receipt was also issued in his name in respect of the land purchased by him.

4. The learned counsel for the petitioner puts reliance on a judgment rendered by the Division Bench of this Court in the case of ***The State of Jharkhand & Ors. Vs. Chancla Devi (L.P.A No. 142 of 2010 with L.P.A No. 307 of 2009)***.
5. Per contra, the learned counsel appearing on behalf of the respondents submits that the land in question is recorded as Gair Abad Malik in the Khatian, and the nature of the land is Forest/Jungle-Jhari. The said land has been notified as protected forest vide notification no.C/F-17014/58-1429R dated 14.05.1958. It is also submitted that the order dated 9.9.2016 passed by the Additional Collector, Bokaro and the Deputy Commissioner, Bokaro has been approved by the State Government. In support of his claim, the petitioner has not submitted the purported "Jot Patta" vide Deed no.311 dated 31.12.1893 even in the present writ petition. No documents in support of the surrender of the land has been filed before this Court and, therefore, the same is liable to be rejected. It is also submitted that the surrender deed no.5018 is of 25.11.1933, however, the dates of certificate of sale have been mentioned as 23.10.1933 and 28.11.1933 which creates suspicion and this fact cannot be adjudicated in writ jurisdiction of this Court. It is settled principle of law that the title can be declared only on the strength of adducing sufficient evidence, but the petitioner has not been able to prima facie establish the same. The ancestors of the petitioner have never been in possession of the said land. The Jamabandi was opened without any previous permission of the competent authority. The purported Jamabandi No.1665 was opened vide order dated 17.03.2016 passed in Misc. Case No. 56 of 2015-16



in the name of the petitioner after making manipulation in Register-II. The land in question was recorded in the Khatiyas as "Gair Abad Malik". Therefore, the question regarding acquisition of the said land under the provisions of Land Acquisition Act, 1894 does not arise at all after vesting of the Zamindari. All Gair Abad Malik lands were vested in State Government except those in which the returns were filed by the ex-landlord showing any settlement to this effect.

6. Heard the learned counsel for the parties and perused the materials available on record. The case of the petitioner is that the said land was acquired by his ancestors in an auction proceeding vide Certificate Case No.191 of 1933 and the Jamabandi was also opened in their name and they paid rent to the State Government. The said fact is evident from the order dated 17.03.2016 passed by the Circle Officer, Chas in Misc. Case No.56 of 2015-16 (Annexure-5). Thereafter, in the light of letter no.2074 dated 13.05.2016 issued by the Chief Secretary, Government of Jharkhand and letter no.1179 dated 18.5.2016 issued by the Additional Collector, Bokaro, the Sub Divisional Officer, Chas vide letter no.487 dated 25.7.2016 directed the Circle Officer, Chas to initiate a doubtful Jamabandi case against the said land and as such the Circle Officer, Chas instituted Case No.01 (VII) of 2016-17 and it was noticed by the Circle Officer, Chas that the Jamabandi with respect to the said land was not opened by any order of the competent authority and the pen used for opening the said Jamabandi was a ball pen, which creates suspicion. It was further observed that the land has been recorded as Gair Abad Malik, showing nature of the land as Jungle Jhari, which was notified as protected forest. Accordingly, the Circle Officer, Chas recommended for cancellation of Jamabandi under Section 4(h) of the Act, 1950 and the matter was referred to the Court of Additional Collector, Bokaro and Misc. 4(h) Case No.110 of 2016-17 was instituted, which was disposed of by the impugned order dated 9.9.2016 and the same was confirmed by the State Government vide letter contained in Memo No.6387 dated 15.12.2016.
7. It has been contended on behalf of the petitioner that the proceeding under section 4(h) of the Act, 1950 can be initiated only to look into the legality of transfer of land made after 1st January, 1946 so as to find out whether the same had been made with an object to defeat the provisions of this Act or for causing loss to the State or for obtaining

higher compensation. Since in the present case, the transfer was made before the cut-off date i.e. 01.01.1946, the proceeding initiated by the respondents is itself illegal and without jurisdiction.

8. On bare reading of section 4(h) of Act, 1950, it would be evident that the Collector has been empowered to make enquiry as to whether the transfer of the land has been made after 01.01.1946 with an object of defeating the provisions of the Act, 1950 or for causing loss to the State or for obtaining higher compensation and after giving reasonable opportunity to the parties, the said authority may pass an order of annulment of transfer and dispossession of a person. No finding has been recorded by the learned court below as to whether the transfer was made after 01.01.1946 with the object of defeating any provisions of the Act, 1950 or causing loss to the State or obtaining higher compensation which is the prime purpose for cancellation of settlement as prescribed under section 4(h) of the Act, 1950. Thus, I am of the view that the learned court below has exceeded its jurisdiction while passing the impugned order.
9. In the case of ***Chancla Devi (Supra.)*** the learned Division Bench of this Court has held that if the State Government is claiming the ownership upon the property in question which is in possession of the tenant/raiyat and his/her predecessors-in-title since 09.06.1942, the Civil Suit is the only remedy available with the State Government.
10. It has been contended on behalf of the respondents that the said land is recorded as Gair Abad Malik, Jungle Jhari and a notification under Section 29 of the Indian Forest Act, 1927 was published to declare the said land as protected forest and thus, the petitioner has no right upon the said land.
11. I have perused Section 29 of the Indian Forest Act, 1927, which reads as under:

"29(1) The State Government may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

(2) The forest-land and waste-land comprised in any such notification, shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government, thinks



sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste-land, the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the State Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

12. Section 29(1) of the Act, 1927 explicitly provides that the State Government may notify any forest land or waste land as protected forest over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled. The condition precedent for issuing any notification under section 29 (1) is the inquiry be conducted under section 29 (3) regarding the nature and extent of right of the Government and of the private persons upon the forest land or the waste land. In the notification dated 24.5.1958 published in the Bihar Gazette on 9.7.1958, it has been provided as under:

"The nature and extent of the rights of Government and of private persons in or over the forest land and waste lands comprised in this notification have not yet been enquired into and recorded as laid down in sub-section (3) of section 29 of the said Act but as the State Government thinks that such enquiry and record will occupy such length of time as in the meantime to endanger the right of Government and as the enquiry and record of rights will hereafter be made this notification be heard subject to all existing rights of individuals or communities."

13. The respondents are claiming proprietary right upon the said land on the ground that the same is Gair Abad Malik (Jungle-jhari) and as such, by reasons of the promulgation of the Act, 1950, the same has vested to the Government. Admittedly, the land was notified as forest land in the year 1958. However, the case of the petitioner is that before issuance of the said notification, the land was already acquired by his ancestor vide Certificate Case No.191/1933.
14. Further, Section 2 of the Forest Conservation Act, 1980 provides as under:-

"S.2 : Restriction on the dereservation of forests or use of forest land for non-forest purpose

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing,

- (i) that any reserved forest (within the meaning of the expression reserved forest in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;***

- (ii) *that any forest land or any portion thereof may be used for any non-forest purpose;*
- (iii) *that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;*
- (iv) *that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re afforestation.*

Explanation: For the purposes of this section "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for'

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticulture crops or medicinal plants;

(b) any purpose other than re-afforestation,

but does not include any work relating or ancillary to conservation, development and management of forests and wild-life, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes."

15. In the case of ***T.N. Godavarman Thirumulkapad etc. vs. Union of India & Ors., reported in (1997) 2 SCC 267***, in para 4, it has been held as under:

*"4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this court in *Ambica Quarry Works and Ors. v. State of Gujarat and Ors., Rural Litigation and Entitlement Kendra v. State of U.P., and recently in the order in Supreme Court Monitoring Committee v. Mussorie Dehradun Development Authority and Ors.* The earlier decision of this court in *State of Bihar v. Banshi Ram Modi and Ors.*, has, therefore, to be understood in the light of these subsequent decision. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay."*

16. In view of the provisions contained in Section 2 of the Forest Conservation Act, 1980 and the judgment of the Hon'ble Supreme Court rendered in the case of ***T. Godavarman (Supra.)***, it is abundantly clear that Section 2 of the Act, 1980 is applicable to the government as well as the private forest land, so as to check/restrict deforestation which ultimately results in ecological imbalance. The term 'Forest' will not only mean forest as understood in the dictionary sense but will also include the land recorded as forest in the government record irrespective of its ownership. Thus, the purpose of Section 2 of the Forest Conservation Act, 1980 is to check deforestation irrespective of the fact that the land is owned by the government or by the private person. Nevertheless, the provisions of Section 2 of the Forest Conservation Act, 1980 or the judgment of the Hon'ble Supreme court rendered in the case of ***T. Godavarman (Supra.)*** cannot be applied by the respondent authorities for cancellation of Jamabandi much less the long running one.
17. In view of the discussions made herein above, the impugned order 09.09.2016 and the consequential orders dated 15-12-2016 and 18.01.2017 are hereby quashed and set aside having been passed beyond the jurisdiction. The writ petition is, accordingly, allowed.
18. However, the respondents are at liberty to take appropriate recourse before the civil court having competent jurisdiction, if they claim the title of the government over the said land.

Sanjay/AFR

(Rajesh Shankar, J.)

IN THE HIGH COURT OF JHARKHAND AT RANCHI**L.P.A. No. 786 of 2018****with****I.A. No. 11546 of 2018****with****I.A. No. 11547 of 2018****with****I.A. No. 2230 of 2019**

1.The State of Jharkhand through the Chief Secretary, at Project Bhawan, P.O & P.S. Dhurwa and District – Ranchi.

2.The Principal Secretary, Department of Revenue & Land Reforms, Government of Jharkhand, at Project Bhawan, P.O & P.S. Dhurwa and District – Ranchi.

3.The Commissioner, North Chhotanagpur Division, Hazaribagh, P.O + P.S. + District – Hazaribagh.

4.The Deputy Commissioner, Bokaro, P.O + P.S. Bokaro Steel City and District – Bokaro.

5.The Additional Commissioner, Bokaro, P.O + P.S. Bokaro Steel City and District – Bokaro

6.The Circle Officer, P.O & P.S. Chas and District – Bokaro.

.... **Respondents-Appellants**

Versus

Izhar Hussain, Son of Late Bara Babu Ansari, Resident of Village Ukrid, P.O., P.S. Sector – 12 and District – Bokaro.

... **Writ Petitioner-Respondent**

CORAM: HON'BLE THE CHIEF JUSTICE**HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Appellants : Mr. Mohan Dubey, A.C to A.G

For the Respondent : Mr. Vimal Kirti Singh, Adv.

For the Intervener : Mr. Dhananjay Kumar Dubey, Advocate

Oral Judgment**Order No. 05 : Dated 5th November, 2020:**

The matter has been heard through video conferencing with the consent of the learned counsel for the parties. They have raised no complain regarding audio and visual quality.

I.A. No. 11546 of 2018

2. This Interlocutory Application has been filed for condoning the delay of 96 days, which has occurred in preferring this appeal.

3. Heard learned counsel appearing for the parties.

4. Having regard to the averments made in this application, we are of the view that the appellants were prevented by sufficient cause from preferring the appeal within the period of limitation.

5. Accordingly, I.A. No. 11546 of 2018 is allowed and delay of 96 days in preferring the appeal is condoned.

L.P.A. No. 786 of 2018

6. This intra-court appeal preferred by the State of Jharkhand is directed against the order/judgment dated 14.06.2018 passed by learned Single Judge in W.P. (C) No. 593 of 2017, whereby and whereunder the impugned order dated 09.09.2016 passed in Misc. (4h) Case No. 110/2016-17 by Additional Collector, Bokaro whereby the long running Jamabandi of the writ petitioner being Jamabandi No. 1665, appertaining to Khata No. 59, Plot Nos. 426 and 450, Thana No. 38, area 103 acres, Mouza

Tetulia, District Bokaro was cancelled, has been quashed. The writ Court has also quashed the order as contained in Memo No. 6387 dated 15.12.2016 passed by the Joint Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, whereby the consent for cancellation of Jamabandi of the writ petitioner has been given with a direction to take possession of the land. Further the writ Court has quashed the order as contained in letter No. 80/Revenue dated 18.01.2017 issued under the Signature of Deputy Commissioner, Bokaro whereby the Circle Officer, Chas has been directed to delete the name of the writ petitioner as mentioned in Register II at page 1665 by cancelling the Jamabandi and to take possession of the land.

7. The brief facts of the case, which are required to be referred herein for proper adjudication of the lis, are as under:

The land appertaining to Khata No. 59, Plot Nos. 426 and 450, area 103 acres, situated in village - Tetulia, Anchal - Chas, (hereinafter referred to as the 'said land') was given by Shri Chamtu Singh to Raj Kumar Singh Tikat by way of Jot Patta vide deed no. 311 dated 31.12.1893 and the rent was assessed vide Rent Suit No.260 of 1928-29. Thereafter, vide Deed No. 5018 dated 25.11.1933 the said land was surrendered. The Deputy

Collector, Purulia vide Certificate Case No. 191 of 1933 settled the said land in an auction proceeding in favour of one Samir Mahat @ Samir Mahto (the ancestor of the writ petitioner) who came in possession of the same. On 26.06.2012, a certificate was issued by the Circle Officer, Chas, certifying that the said land was settled in the name of Samir Mahto, the grandfather of the writ petitioner vide Auction Certificate Case No.191/1933.

One Niraj Mohan submitted an application before the Additional Collector, Bokaro for verification of the land of the writ petitioner alleging the said land to be "Gair Abad Malik", as per the Khatian, whereas the mutation of the said land was done and the rent receipts were being issued in favour of the writ petitioner. On the basis of the said application, a proceeding being Misc. Case No.56/2015-16 was initiated, wherein the final order dated 17.03.2016 was passed after making due enquiry and considering the report of the Halka Karamchari, which says that the present raiyats i.e Izhar Hussain and Akhtar Hussain are the recorded raiyats of Register-II in Thoka (Lot) No. 1665 which is absolutely correct and proper and, thus, the application of Niraj Mohan was held to be baseless and false and mutation done in favour of writ petitioner was confirmed.

Thereafter, the Circle Officer, Chas issued a notice dated 30.05.2016 intimating the writ petitioner to appear on 14.06.2016 to put forth his stand as Jamabandi over the said land was found to be illegal and suspicious and a case was instituted by the Additional Collector, Bokaro, being Misc. (4h) case No. 110 of 2016-17, in which, a notice was issued to the writ petitioner from the Court of Addl. Collector, Bokaro seeking reply as to why the Jamabandi of the petitioner over the said land be not cancelled u/s 4(h) of the Bihar Land Reforms Act, 1950 (herein after referred to as 'the Act, 1950'). Pursuant thereto, the writ petitioner filed his reply and thereafter final order was passed on 09.09.2016 by the Additional Collector, Bokaro as well as the Deputy Commissioner, Bokaro whereby Jamabandi of the writ petitioner over the said land was annulled holding, *inter alia*, that the same was illegal and false as per section 4(h) of the Act, 1950.

8. Aggrieved thereof, the writ petitioner approached this Court by invoking writ jurisdiction of this Court under Article 227 of the Constitution of India assailing order dated 09.09.2016 passed in Misc. (4h) Case No. 110 of 2016-17 and the consequential decisions of the authorities for cancellation of Jamabandi.

9. The writ petitioner agitated before the writ Court that the land in question came in possession of the

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predecessors-in-interest of the writ petitioner by virtue of Auction Certificate Case No. 191 of 1933, whereby Jamabandi was created initially in the name of the grandfather of the writ petitioner and the land was settled in the name of Samir Mahto (the grandfather of the petitioner) and thereafter in the name of the writ petitioner. It was further agitated that the Jamabandi created by the order of the Circle Officer was declared false and fabricated only on the ground that the same was written by a ball pen stating that during the year 1965- 66 ball pen was not in use. However, as a matter of fact, ball pen was invented in the year 1938 itself.

Further submission was made before the writ Court that the concerned authorities completely ignored the documents produced by the writ petitioner which are of the year 1933 and based their order primarily on issue of the invention of the ball pen during the relevant year.

Further point was raised that in the impugned order dated 09.09.2016 the respondents-authorities have observed that the land has been notified as a Forest Land vide notification dated 14.05.1958 but the said notification has also not been brought on record by the respondents-authorities. Moreover, the raiyati land cannot be notified as a forest land unless and until the same is acquired after giving proper compensation.

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Further, after the land is being declared as a forest land, the same is also required to be shown in map of the forest department, but the forest department could not produce any such map of the land which could have confirmed the said notification showing the land in question as forest land.

It was further submitted that a criminal case was instituted by the concerned department regarding the said land, which was numbered as Sector-XII P.S Case No.50 of 2016, wherein the S.I.T. had investigated the matter but it could not find any such map of the aforesaid land from the forest department.

Further submission was made that in order to assess the veracity of the Auction Certificate Case instituted in the year 1933 due communication was made before the Purulia Sub-Registrar vide letter no.1282 dated 29.06.2016, but without waiting for the report from the side of Purulia Sub-Registrar, the impugned order was passed and, as such the authenticity of the said document could not be verified.

It was further submitted that the long running Jamabandi cannot be cancelled by initiating a proceeding under Section 4(h) of the Act, 1950 as a summary proceeding as the proceeding under Section 4 (h) can only be initiated if any transfer was made at any time after the

1st day of January 1946 with an object to defeat the provisions of the Act, 1950 or for causing loss to the State or for obtaining higher compensation from the State.

The writ petitioner further raised the issue by referring to Register-II Tenancy Ledger wherein mutation was granted in the name of Samir Mahto son of Bhuran Mahto- caste Muslim (the ancestor of the petitioner). Initially the rent receipts were being issued regularly in the name of Samir Mahto and, subsequently, the same were issued in the name of Izhar Hussain (the writ petitioner), who is the grandson of Samir Mahto. The writ petitioner also sold 6 decimals of land out of the said land to one Badu Ram, who got his name mutated vide correction slip dated 20.11.2015 and, thereafter, the rent receipt was also issued in his name in respect of the land purchased by him.

The learned counsel for the writ petitioner put reliance on a judgment rendered by the Division Bench of this Court in the case of ***The State of Jharkhand & Ors. Vs. Chancla Devi (L.P.A No. 142 of 2010 with L.P.A No. 307 of 2009)***.

10. The respondents-State of Jharkhand, the appellants herein, had put their appearance through their counsel and defended the orders passed by the revenue authorities, *inter alia*, on the ground that the land in

question is recorded as “Gair Abad Malik” in the Khatian, and the nature of the land is Forest/Jungle-Jhari. The said land has been notified as protected forest vide notification no. C/F17014/58-1429R dated 24.05.1958. It was further submitted that the order dated 09.09.2016 passed by the Additional Collector, Bokaro and the Deputy Commissioner, Bokaro have been approved by the State Government. It was further submitted that the writ petitioner had not submitted the purported “Jot Patta” vide deed no. 311 dated 31.12.1893 before the revenue authorities or even before the writ Court.

Further, no document in support of the surrender of the land was filed before the writ Court and, therefore, the same is liable to be rejected. Further submission was made that the surrender deed no. 5018 is of 25.11.1933, however, the dates of certificate of sale has been mentioned as 23.10.1933 and 28.11.1933 which creates suspicion and as such this fact cannot be adjudicated in writ jurisdiction of this Court as it is settled principle of law that the title can be declared only on the strength of adducing sufficient evidence, but the writ petitioner has not been able to *prima facie* establish the same. The ancestors of the writ petitioner were never in possession of the said land. The Jamabandi was opened without any previous permission of the competent authority. The

purported Jamabandi No.1665 was opened vide order dated 17.03.2016 passed in Misc. Case No. 56 of 2015-16 in the name of the writ petitioner after making manipulation in Register-II. The land in question was recorded in the Khatiyān as “Gair Abad Malik”. Therefore, the question regarding acquisition of the said land under the provisions of Land Acquisition Act, 1894 does not arise at all after vesting of the Zamindari. All Gair Abad Malik lands were vested in State Government except those in which the returns were filed by the ex-landlord showing any settlement to this effect.

11. The writ Court, after appreciating the submissions advanced on behalf of parties, came to the conclusive finding holding therein that the order dated 09.09.2016 and consequential orders passed by the respondents-authorities suffer from infirmity and, therefore, the same were quashed and set aside, which is the subject matter of present intra-court appeal.

12. This Court, after having heard learned counsel for the parties and on perusal of the materials on record as also findings recorded by the learned writ Court, has found therefrom that the writ petitioner is claiming title over the land in question appertaining to Khata No. 59, Plot Nos. 426 and 450, Thana No. 38, area 103 acres, situated at Mouza Tetulia, Anchal-Chas, District Bokaro,

which was given by one Chamtu Singh to Raj Kumar Singh Tikat by way of Jot Patta vide deed no. 311 dated 31.12.1893. The rent was assessed vide Rent Suit No. 260 of 1928-29. The said land was surrendered vide Deed No. 5018 dated 25.11.1933. The Deputy Collector, Purulia vide Certificate Case No.191 of 1933 settled the said land in an auction proceeding in favour of one Samir Mahat @ Samir Mahto, the ancestor of the writ petitioner, who came in possession of the same. On 26.06.2012, a certificate was issued by the Circle Officer, Chas certifying that the said land was settled in favour of Samir Mahto, the grandfather of the writ petitioner vide Auction Certificate Case No.191 of 1933. A proceeding, being Misc. Case No. 56/2015-16, was initiated on the basis of complaint made by one Niraj Mohan seeking enquiry about alleged settlement of the said land in favour of the writ petitioner on the ground that the said land is "Gair Abad Malik", wherein the final order was passed on 17.03.2016 after making due enquiry and considering the report of the Halka Karamchari stating, *inter alia*, that the present raiyats i.e., Izhar Hussain and Akhtar Hussain, are the recorded raiyats of Register-II in Thoka (Lot) No. 1665 which is absolutely correct and proper and thus the application of Niraj Mohan was held to be baseless and false. Thereafter, a notice was issued on 30.05.2016

intimating the writ petitioner to appear on 14.06.2016 to put forth his stand as Jamabandi over the said land was found to be illegal and suspicious. Thereafter, a case was instituted by the Additional Collector, Bokaro, being Misc. (4h) case No. 110 of 2016-17, which finally culminated to passing of impugned order dated 09.09.2016 whereby the Jamabandi of the writ petitioner over the said land was annulled holding, *inter alia*, that the same was illegal and false as per section 4(h) of the Act, 1950.

13. The writ petitioner-respondent herein, has questioned the validity of the order dated 09.09.2016, *inter alia*, on the ground that the land was initially settled in favour of the predecessors-in-interest of the writ petitioner by virtue of Auction Certificate Case No. 191 of 1933 and since the date of aforesaid settlement the predecessors-in-interest of the writ petitioner were in possession of the land in question and now the writ petitioner is in possession over the said land. It has further been submitted that the issue about nature of the land as to be “Gair Abad Malik” has already been decided by order passed by the respondents-authorities in Misc. Case No. 56 of 2015-16 wherein final order was passed on 17.03.2016 holding that Izhar Hussain and Akhtar Hussain are the recorded raiyats of Register-II in Thoka (Lot) No. 1665 but the Circle Officer without taking into

consideration the fact that final order dated 17.03.2016 has been passed in Misc. Case No. 56/2015-16, which having not been questioned, initiated a fresh proceeding by issuing notice upon the writ petitioner in Misc. 4(h) Case No. 110/2016-17. But the question herein is that when the order 17.03.2016 was already passed in Misc. Case No. 56/2015-16, which having not been questioned and thereby has attained its finality, there was no occasion to initiate a fresh proceeding by issuing notice upon the writ petitioner on 30.05.2016 in Misc. (4h) Case No. 110 of 2016-17. Further the land in question was settled in the year 1933 vide Auction Certificate Case No. 191 of 1933 in an auction proceeding. But without appreciating the fact about applicability of provisions of Land Reforms Act, which grants power upon the Collector to initiate a proceeding, if any transfer has been made on and after 01.01.1946 in order to defeat the object and intent of the Bihar Land Reforms Act but herein the claim made by way of auction certificate made in the year 1933 is admittedly prior to 1946 and as such provision of section 4(h) of the Bihar Land Reforms Act will not be applicable in the facts of this case.

Further ground has been agitated that once Jamabandi has been created the same cannot be cancelled in purported exercise of Section 4 (h) of the

Bihar Land Reforms Act, 1950 since the said power does not confer upon the Deputy Collector of the State Government to cancel the Jamabandi rather it confer powers to make inquiries in respect of any transfer including the settlement or lease of any land comprised in such estate or tenure or the transfer of any kind of interest in any building used primarily as office or cutchery for the collection of rent of such estate or tenure or part thereof, and if he is satisfied that such transfer was made at any time after the first day of January, 1946, with the object of defeating any provisions of this Act or causing loss to the State or obtaining higher compensation, but this fact has not been appreciated by the Revenue authorities while canceling Jamabandi and, therefore, the learned Single Judge by quashing the impugned order has committed no error and the same requires no interference by this Court.

14. On the other hand, the State-appellant has agitated the issue that the land in question has been recorded as “Gair Abad Malik” and as per the provision of Section 29 of the Indian Forest Act, 1927 the said land cannot be settled in favour of the raiyats and, therefore, gross illegality has been committed in opening Jamabandi in favour of predecessors-in-interest of the writ petitioner, which has been taken into consideration by the revenue

authorities and thereafter the impugned orders have been passed by cancelling the Jamabandi granted in the name of predecessors-in-interest of the writ petitioner as also mutation rent in the name of the writ petitioner, hence the learned Single Judge ought not have interfered with the impugned orders.

15. This Court, on the basis of aforesaid rival submissions, has found the legal issues about the applicability of the provision of Section 4(h), as under:

“Whether in the facts of the case the provision as contained under Section 4(h) of the Bihar Land Reforms Act is made to be applicable and as to whether under the provision of Section 4(h) of the Bihar Land Reforms Act Jamabandi granted in favour of any raiyats can be cancelled?”

16. This Court, in order to adjudicate this legal issue deem it fit and proper to go across the preamble of the Bihar Land Reforms Act, 1950, which says that for the transference to the State of the interests of proprietors and tenure-holders in land and of the mortgagees and lessees of such interests including interests in trees, forests, fisheries, jalkars, ferries, hats, bazars, mines and minerals and to provide for the constitution of a Land Commission for the State of Bihar with powers to advise the State Government on the agrarian policy to be pursued by the State Government consequent upon such transference and for other matters connected therewith.

The intention behind the proviso to provide for the transference to the State of the interests of proprietors and tenure holders in land and of mortgagees and lessees of such interests as enshrined in the directive principles of our Constitution of India under Articles 39 (B) and 39(C).

Section 4 of the Act, 1950 provides consequences of the vesting of an estate or tenure in the State. Sub-section 4(b) thereof says that all rents, cesses and royalties accruing in respect of lands comprised in such estate or tenure on or after the date of vesting shall be payable to the State and not to the outgoing proprietor or tenure-holder and any payment made in contravention of this clause shall not be binding on the State Government. Sub-section 4 (h) provides power upon the Collector to make inquiries in respect of any transfer including the settlement or lease of any land comprised in such estate or tenure or the transfer of any kind of interest in any building used primarily as office or cutchery for the collection of rent of such estate or tenure or part thereof, and if he is satisfied that such transfer was made at any time after the 1st day of January, 1946, with the object of defeating any provisions of this Act or causing loss to the State or obtaining higher compensation thereunder the Collector may, after giving reasonable notice to the

parties concerned to appear and be heard annul such transfer, dispossess the person claiming under it and take possession of such property on such terms as may appear to the Collector to be fair and equitable; provided that an appeal against an order of the Collector under this clause if preferred within sixty days of such order, shall lie to the prescribed authority not below the rank of the Collector of a district who shall dispose of the same according to the prescribed procedure and further provided that no order annulling a transfer shall take effect nor shall possession be taken in pursuance of it unless such an order has been confirmed by the State Government.

It is, thus, evident that Section 4(h) confers power upon the Collector to effect any transfer if such transfer is found to be for the purpose of frustrating the intent and purport of the Act in respect of transfer made any time after 1st January, 1946.

The issue pertaining to applicability of provision of Section 4 (h) fell for consideration before Patna High Court in the case of **Laxman Sahni Vs. State of Bihar & Ors.** reported in **1990 (1) PLJR 170**, wherein it has been laid down to the effect that recourse for cancellation of Jamabandi under the Sections can be taken only where any estate or tenure or any part thereof vests in

the State. Section 4(h) clothes the Collector with jurisdiction to make enquiries in respect of transfers made any time after 1st January, 1946.

Further, in the case of ***Sri Rama Prasad Singh & Ors Vs. The State of Bihar & Ors*** reported in ***1990 (1) PLJR 165***, it has been held that annulment of settlement made in 1945 on the assumption that it was made within the family to deprive the valuable land is mere presumption. On a plain reading of the provision it is obvious that the Collector while exercising power to make inquiries in respect of any transfer must be satisfied that such transfer was made at any time after 1st January, 1946. No finding recorded that the transfer was made after 1st January, 1946. The Land Reforms Deputy Collector being an adjudicating body could not recommend for such annulment and had to arrive at his own conclusions in terms of Section 4(h) of the Act.

17. It further requires to refer herein that for vesting of the estate or tenure in a notification to that effect is required to be issued under Section 4 to the effect that the rent vested in the State of Bihar free from all encumbrances from the date of notification by operation of Section 4 such estate or tenure including the interests of the proprietor in such estate or tenure other than the interests of raiyats or underraiyats shall, with effect from

the date of vesting, vest absolutely in the State free from all incumbrances and such proprietor or tenure-holder shall cease to have any interest in such estate or other than the interests expressly saved by or under the provisions of this Act.

Reference in this regard be made to the judgment rendered in the case of ***Brighu Nath Sahay Singh & Ors Vs. Md. Khalilur Rahman & Ors*** reported in (1996) ***1 PLJR (SC) 65***.

Herein, as would appear from the materials available on record, that the State Government has not produced any document pertaining to notification issued under Section 4 of the Bihar Land Reforms Act. Further the reference of notification issued by the forest department as contained in notification no. C/F/17014/58-1429R dated 24.05.1958 has been mentioned but the admitted fact after going through the Section 4 of the Act, 1950 is that there must be a notification under the provision of Section 4 of the Act, 1950 and if any notification has been issued by the forest department that cannot be said to be issued under the purported exercise of power conferred under Section 4 of the Act, 1950.

18. Admitted fact herein is that the transfer has been made much prior to 1st January, 1946 i.e. sometimes in

the year 1933 by way of Auction Settlement being Auction Certificate Case No. 191 of 1933 and, therefore, in the facts of this case the provision of Section 4 (h) of the Act, 1950 should not have been initiated by the Circle Officer taking into consideration the settlement of the land in the year 1933 which exclude the land in question from the purview of Section 4(h) of the Act, 1950.

19. Further, even accepting the submission to the effect that the notification dated 24.05.1958 issued by the forest department holding the land as forest land and the fact that there was auction settlement in the year 1933, the question remains that under what authority and jurisdiction notification was issued in the year 1958 without resorting to any provision of law or without getting any declaration invalidating of the proceeding being Auction Certificate Case No. 191 of 1933.

Further, the claim of the State-appellant that the land has been recorded as "Gair Abad Malik" but again the question would be that on what basis the land in question was recorded as "Gair Abad Malik" without obtaining reversal of the order passed in Auction Certificate Case No. 191 of 1933.

Further, this Court has found from the record that on the basis of a complaint made by one Niraj Mohan about the illegal transfer of the said land basis upon

which a report was called for from the concerned Halka Karamachari, who has submitted a report to the effect that the present raiyats i.e., Izhar Hussain and Akhtar Hussain, are the recorded raiyats of Register-II in Thoka (Lot) No. 1665 which is absolutely correct and proper and thus the application of Niraj Mohan was held to be baseless and false, but the revenue authorities have very surprisingly, without questioning the order passed by the revenue authority in Misc. Case No. 56/2015-16 dated 17.03.2016 wherein it was held that the complaint made by Niraj Mohan is baseless, has again issued a notice upon the writ petitioner and stating the reply of the writ petitioner to be dissatisfactory initiated a proceeding under Section 4(h) of the Act, 1950, being Misc. (4h) Case No. 110 of 2016-17 wherein again order dated 09.09.2016 was passed, which according to us, cannot be said to be sustainable in the eyes of law without reversal of the order passed on 17.03.2016 passed in Misc. Case No. 56/2015-16.

It further transpires from the record that for knowing the genuineness of the order passed in Auction Certificate Case No. 191 of 1933, correspondence was made to the concerned authority at Purulia in the State of West Bengal but without waiting for any report from the concerned authority, the Circle Officer has passed the

order dated 09.09.2016, which also casts doubt upon the proceeding initiated by way of filing Misc. (4h) Case No. 110 of 2016-17 and the final order dated 09.09.2016 as if any report was sought for in order to verify the genuineness of the document pertaining to Auction Certificate Case No. 191 of 1933 it was incumbent upon the concerned authority, who was in *sesin* of Misc. (4h) Case No. 110 of 2016-17 to wait for the outcome of the said report, but having not done so gross illegality has been committed.

It is further settled position of law that Jamabandi once created cannot be annulled. Herein it is admitted fact that Jamabandi can be created under the provisions of Bihar Tenants Holdings (Maintenance of Records) Act, 1973. We have gone across the provisions thereof, as contained in the Act, 1973 and have found that no provision confer upon any authority of the State to cancel the Jamabandi.

The question would be that in absence of any power conferred by Statute upon any of the revenue authority can Jamabandi be cancelled. The answer of this question would be in negative as statute confers power upon the authority and the authority can purportedly exercise the power conferred upon it under the statutory power and if any decision is taken in absence of any provision the

same would be said to be nullity in the eye of law when found to be without jurisdiction.

It is further settled that long running Jamabandi cannot be cancelled, save and except by filing a suit before the competent Court of Civil Jurisdiction, as has been held by Hon'ble Apex Court in ***Ramayan Yadav & Ors Vs. State of Bihar & Ors*** reported in ***(2013) 3 PLJR 533***.

20. This Court, after having gone into the details as above as also travelling across the impugned order wherefrom it is evident that the learned Single Judge has relied upon the judgment in ***The State of Jharkhand & Ors vs. Chanchala Devi*** passed in ***L.P.A. No. 142 of 2010 with L.P.A. No. 307 of 2009***, wherein it has been held by the Co-ordinate Bench of this Court that if the State Government is claiming ownership upon the property in question which is in possession of the tenant/raiyat and his/her predecessors-in-title since 09.06.1942, Civil Suit is the only remedy available with the State Government.

Further it transpires from the impugned order that the learned Single Judge has also discussed about applicability of Section 29 of the Indian Forest Act, 1927, which confers power upon the State Government to issue notification in the official Gazette for declaring the

provision of this Chapter applicable to any forest land or waste-land which is not included in a reserved forest or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled. Sub-Section (2) thereof further provides that the forest-land and waste-land comprised in any such notification, shall be called a “protected-forest”. Sub-section (3) thereof says that no such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government, thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved; provided that, if, in the case of any forest-land or waste-land, the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the State Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

Therefore, Section 29 (1) explicitly provides that the State Government may notify any forest land or waste

land as protected forest over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled. The condition precedent for issuing any notification under section 29 (1) is the inquiry be conducted under section 29 (3) regarding the nature and extent of right of the Government and of the private persons upon the forest land or the waste land.

21. We have also gone across the notification dated 24.05.1958, published in the Bihar Gazette on 09.07.1958, which reads as under:

“The nature and extent of the rights of Government and of private persons in or over the forest land and waste lands comprised in this notification have not yet been enquired into and recorded as laid down in sub-section (3) of section 29 of the said Act but as the State Government thinks that such enquiry and record will occupy such length of time as in the meantime to endanger the right of Government and as the enquiry and record of rights will hereafter be made this notification be heard subject to all existing rights of individuals or communities.”

22. The respondents-authorities, the appellants herein, are claiming proprietary right upon the said land on the ground that the same is "Gair Abad Malik" (Jungle-Jhari) and as such, by reasons of the promulgation of the Act, 1950, the same has been vested to the Government. Admittedly, the land was notified as forest land in the year 1958, however, the case of the petitioner is that

before issuance of the said notification, the land was already acquired by his ancestor vide Certificate Case No.191/1933.

23. Further, we have found that the learned Single Judge has discussed the provisions of Section 2 of the Forest Conservation Act, 1980.

For ready reference, Section 2 of the Act, 1980 is reproduced herein below:

“S.2 : Restriction on the de-reservation of forests or use of forest land for non-forest purpose - *Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing,*‘

- (i) *that any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;*
- (ii) *that any forest land or any portion thereof may be used for any non-forest purpose;*
- (iii) *that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;*
- (iv) *that any forest land or any portion thereof - may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re afforestation.*

Explanation: For the purposes of this section “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for‘

(a) the cultivation of tea, coffee, spices, rubber, palms, oilbearing plants, horticulture crops or medicinal plants;

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(b) any purpose other than re-afforestation, but does not include any work relating or ancillary to conservation, development and management of forests and wild-life, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.”

Reference, in this regard be made to the judgment rendered by Hon'ble Apex Court in the case of **T.N. Godavarman Thirumulkpad vs. Union of India & Ors.**, reported in **(1997) 2 SCC 267**, in particular paragraph 4, which is quoted hereunder as:

*“4.The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this court in *Ambica Quarry Works and Ors. v. State of Gujarat and Ors.*, *Rural Litigation and Entitlement Kendra v.**

State of U.P., and recently in the order in Supreme Court Monitoring Committee v. Mussorie Dehradun Development Authority and Ors.. The earlier decision of this court in State of Bihar v. Banshi Ram Modi and Ors., has, therefore, to be understood in the light of these subsequent decision. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.”

24. The learned Single Judge, on the basis of provisions as contained in Section 2 of the Forest Conservation Act, 1980 and the judgment rendered in the case of **T.N. Godavarman Thirumulkpad (supra)**, has come to the conclusive finding that the Section 2 of the Act, 1980 is applicable to the government as well as the private forest land, so as to check/restrict deforestation which ultimately results in ecological imbalance. The term ‘Forest’ will not only mean forest as understood in the dictionary sense but will also include the land recorded as forest in the government record irrespective of its ownership. Therefore, the provision of section 2 of the Act, 1980 or the judgment rendered in the case of **T.N. Godavarman Thirumulkpad (supra)** cannot be applied

by the respondent authorities for cancellation of Jamabandi much less the long running one.

25. We, on appreciation of the findings recorded by the learned Single Judge and on the basis of discussions made herein above, are of the view that there is no reason to differ with the view/opinion of the learned Single Judge, by coming to the conclusion that the order dated 09.09.2016 passed by the revenue authorities is illegal and not sustainable in the eyes of law, as they have exercised power conferred under section 4(h) of the Act, 1950 which as per the discussions made herein above has been found to be not applicable in the facts and circumstances of the case as the case of the writ petitioner is that he is claiming title over the land in question on the basis of settlement made prior to 1st January, 1946 and further the additional Collector by way of order passed in Misc. Case No. 56/2015-16 has already passed order on 17.03.2016 holding therein that the present raiyats i.e Izhar Hussain and Akhtar Hussain are the recorded raiyats of Register-II in Thoka (Lot) No. 1665 which is absolutely correct and proper. But without questioning and without reversal of that order, a fresh proceeding was initiated under Section 4(h) of the Act, 1950 and further long running Jamabandi cannot be cancelled, save and except by instituting a litigation

before the Civil Court of competent jurisdiction. Hence, the order passed by the learned Single Judge cannot be faulted with.

26. Accordingly, since the instant appeal lacks merit, is dismissed.

I.A. No. 11547 of 2018 & I.A. No. 2230 of 2019

27. In view of the dismissal of the Letters Patent Appeal, both these Interlocutory Application stand disposed of.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)

Alankar/ -
A.F.R

ITEM NO.8 Court 8 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8108/2021

(Arising out of impugned final judgment and order dated 05-11-2020 in LPA No. 786/2018 passed by the High Court Of Jharkhand At Ranchi)

THE STATE OF JHARKHAND & ORS.

Petitioner(s)

VERSUS

IZHAR HUSSAIN

Respondent(s)

(FOR ADMISSION and I.R. and IA No.71289/2021-EXEMPTION FROM FILING O.T. and IA No.71292/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE KRISHNA MURARIFor Petitioner(s) Mr. Arunabh Choudhary, AAG
Ms. Pallavi Langar, AORFor Respondent(s) Mr. Krishnan Venugopal, Sr.Adv.
Mr. Siddhartha, Adv.
Ms. Pooja Dhar, AOR
Mr. Shivendra Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

We are not inclined to interfere with the impugned final judgment and order passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

Signature Not Verified

Digitally signed by
JAGDISH KUMAR
Date: 2021.07.06
16:53:47 (IST)
Reason: I(NIRMALA NEGI)
COURT MASTER (SH)(RENU KAPOOR)
COURT MASTER (NSH)



**OFFICE OF THE DIVISIONAL FOREST OFFICER,
BOKARO FOREST DIVISION, BOKARO**

BLOCK-A, VAN BHAWAN, PURULIA ROAD, CHAS, BOKARO-827013

E-mail : dfo-bokaro@gov.in & bokarodfo@gmail.com

Phone/Fax No : +91-6542-265142

Letter no.

Date.

From:

Rajnish Kumar, I.F.S
Divisional Forest Officer,
Bokaro Forest Division, Bokaro.

To,

The District Registrar,
Purulia, West Bengal.

Subject: -

Regarding authentication of issuance of the certified copy of Sale Certificate of Deed no. 191 of 1933.

Ref. :

1. Your office Memo no. 190/DR/PRL/f1, Dated-12.04.2023 and Memo no. 1756, Dated-26.06.2021
2. This office Memo no. 728, Dated-18.03.2023, Memo no. 1932, Dated-15.07.2021 and Memo no. 1756, Dated-26.06.2021

Sir,

With reference to the above mentioned subject it is informed that our request is focused towards knowing the authenticity of issuance of the alleged certified copy of Sale Certificate of Deed no. 191 of 1933 which occurred on date-26.04.2005. Right now, we are not requesting about original Sale Certificate 191/1933 which happened in 1933. We are just seeking the information whether the concerned certified copy (Photocopy enclosed) was issued by your good office on date-26.04.2005 or not, which is not the 90 years old event.

Your early response is solicited.

Thanking You.

Enclosed: as above

Yours Sincerely

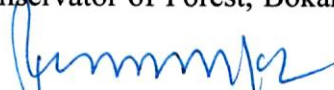
Sd/-

Divisional Forest Officer,
Bokaro Forest Division, Bokaro.

Memo no. 1030

Date 24/04/2023

Copy forwarded to :- The Regional Chief Conservator of Forest, Bokaro for kind information and necessary action.


Divisional Forest Officer,
Bokaro Forest Division, Bokaro.





105
Govt. Of West Bengal
Finance (Revenue) Department
Office of the District Registrar, Purulia
Dist - Purulia, Pin - 723101
Mail i.d. drpurulia.igr-wb@nic.in

Annexure-H 7X

Memo. no. - 275/DR/PRL/Sf1

Date - 09.06.2023

To
The Divisional Forest Officer,
Bokaro Forest Division, Bokaro, Jharkhand.
Block-A, Van Bhawan, Purulia Road, Chas, Bokaro-827013



Sub. - Authenticity of sale certificate deed no. 191 for 1933

Ref. - 1. Letter no. 728 dated 18.03.2023 & 1030 DATED 24.04.2023 of your establishment
2. This office memo no. 190/DR/PRL/Sf1 dated 12.04.2023

S/S
16/06/23

Sir,

In a series of letters, as have been found in the file of this establishment, from 2011 onwards, it had been asked from different corners, about the authenticity of a Certified Copy of Sale Certificate no. 191 for the year 1933, purported to be issued from the district record room, Purulia, on 26.04.2005.

Even if the existence of different internal investigation reports, as found in this respect in different files, it has been decided by the undersigned to exercise a thorough investigation about it.

And, I would like to share the findings as have been found out in connection with the Sale Certificate no 191 for 1933, in response to your letters in reference no. 1.

✓

An enquiry committee has been formed on 10.05.2023 under the chairmanship of the District Sub-Registrar, Purulia by the undersigned to enquire about the matter in detail.

Enquiry Committee submitted its report on 31.05.2023 after accomplishing two broad works -----

- a. Asking the record keeper of District Record Room to search out everything related to Sale Certificate 191/1933.
- b. Receiving the submission of two retired staffs of this establishment whose names are found in the xerox copy of 191/1933 (submitted as enclosure in your correspondences).

As per report of the enquiry committee, it is to be stated that ---

1. As every relevant document related to searching & copying of the period including 26.04.2005, like, the concerned pages (24-30) of the respective search register, related receipt books (1556 & 1557) and the volume no. 58 for 1933, purported to contain the true copy of 191/1933, are non-existent, it is not possible to ascertain whether the certified copy of 191/1933 had actually been supplied from the district record on 26.04.2005. (FIR had already been lodged for the above-mentioned non-existent documents vide memo no 661 dated 29.08.2011 and memo no 932 dated 01.12.2011 of DR office, Purulia).
2. The only way left is to go through the related documents of 1933 with a view to search out whether the original true copy of 191/1933 was existed.
3. Though the concerned volume no. 58/1933 purported to contain the Sale Certificate (SC) 191/1933 is non-existent, all the index volumes for 1933 (5 index I and 3 index II volumes) have been searched out (Index volumes are supplementary documents, contain information regarding the deeds preserved).
4. Most of the index volumes are in very vulnerable condition & many pages have been converted into loose grains. However, from Index I volumes, the existence of following sale certificates in the concerned volume no. 58/1933 have been confirmed.

Sale Certificate document no.	Page no. of volume 58/1933
151	1,2
153	5,6
154	7,8
155	9,10
156	11,12
157	13,14
158	15,16
159	17,18
160	19,20,21,22
161	23,24
162	25,26
163	27,28
164	29,30
165	31,32
167	35,36
168	37,38
169	39,40
170	41,42
171	43,44
172	45,46
174	49,50
180	61,62
181	63,64
186	73,74

From the inspection of several volumes containing the true copies of sale certificates of different years, it has been found that the copies had been filed in the volumes serially.

The findings of Index registers as depicted in the above noted table, also support the fact of filing of the sale certificates documents in the volume, serially.

In a Catalogue Register (volume no. 8 for 1958) which contains the information of the volumes of 1933 & contemporary periods, 'the no. of documents copied' & 'total no. pages' of volume no. 58/1933, had been noted as **40 & 80** respectively.

So, if the number of documents copied in the volume no. 58 – as per Catalogue Register (i.e. **40**) is correct, then the last deed no of volume 58/1933 would possibly be **190**.

Once again, if we go through the above noted table, we can easily find the pattern that each document was copied in 2 (two) pages except the document no. 160, which took 4 (four) pages. In that manner, if we consider the no. of pages as depicted in the Catalogue Register (i.e. **80**) is correct, then the no. of the last document copied in volume no. 58/1933 would possibly be **189**.

Hence, in either case, possibility of existence of last document no. being **191**, in volume no. 58/1933 is very remote.

5. Two retired staffs of this establishment, whose names are found in the said purported Certified Copy have been questioned and both of them apparently recognized the writing and signatures on the Copy to be their own, though that also cannot be treated as conclusive, considering their old age and feeble memory.

B.

Against an RTI application on the same subject, hearing was made before the State Chief Information Commissioner, West Bengal of WEST BENGAL INFORMATION COMMISSION, on 01.08.2012 and from that order copy, it is found that the appellant did not submit the original certified copy of the concerned sale certificate 191/1933 for verification, even after official written request. And from that time onwards, no communication has been discovered, revealing the representation of original certified copy from any side.

So, from both the findings, from point 4 of A and information of B, the existence of the document no. 191/1933 becomes questionable.

Finally, as per Sec 89 of The Registration Act, 1908, only a copy of the respective sale certificate is to be sent to the local registering authority by the issuing authority, for filing in Book no I. So, the original sale certificate must be under the custody of issuing authority. Accordingly, related information regarding sale certificate no. 191/1933 has been sought from The District Magistrate, Purulia vide this office memo. no. 235/DR/PRL/Sf1 dated 18th May, 2023 (as the issuing authority in the said sale certificate was supposed to be the then Deputy Collector, Purulia), but the reply thereof is yet to receive.

D.

It may also be stated that if any concrete evidence is found in near future, from this establishment by any means or, from the communication of the District Magistrate's office; you will promptly be intimated.

Submitted for consideration.

Enclosures:

1. Three letters mentioned in reference,
2. Order copy of West Bengal Information Commission, as mentioned in B,

Frank 9/6/23

District Registrar, Purulia
District Purulia

**District Registrar, Purulia
Dist.- Purulia, W.B.**

Memo. no. 275/DR/PRL/Sf1/1(3)

Date – 09.06.2023

Copy forward to -----

1. The DCSR (Legal), Directorate of Registration & Stamp Revenue, West Bengal for his kind information.
2. PA of The District magistrate, Purulia, for kind information.
3. Office copy.

Frank 9/6/23

District Registrar, Purulia
District Purulia

**District Registrar, Purulia
Dist.- Purulia, W.B.**



GOVERNMENT OF WEST BENGAL
FINANCE AND REVENUE DEPARTMENT
OFFICE OF THE DISTRICT REGISTRAR PURULIA
P.O. + Dist- Purulia, Pin- 723101
Mailing I.D. drpurulia.igr-wb@nic.in

Memo No: 360/DR/PRL/Sf1

Date:- 04/08/2023

From:- The District Registrar, Purulia

To :- The Divisional Forest Officer,
Bokaro, Forest Division, Bokaro, Jharkhand.
Block-A, Van Bhawan, Purulia Road, Chas, Bokaro - 827013

Sub :- Information relating to "sale certificate" of 1933

Ref:- This office memo no. 275/DR/PRL/Sf1 dt 09.06.2023

Sir,

In continuation of above referred memo & relating to subject noted above, please find enclosed herewith a copy of letter of the office of the District Magistrate, Purulia- which is self explanatory.

Frank 4 $\frac{8}{29}$

District Registrar, Purulia.
District Purulia

District Registrar, Purulia
Dist.- Purulia, W.B.

स्टील ऑथॉरिटी ऑफ इंडिया लि.
 ओकारो इस्पात संयंत्र
 नगर प्रशासन विभाग
 नगर सेवा भवन
 ओकारो इस्पात नगर, झारखंड 827003
 ग्राम: ओकारो, फैक्स नंख्या: 06542-242305

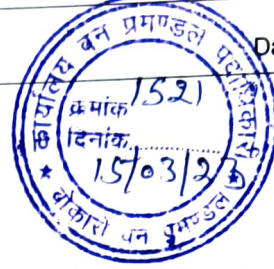


STEEL AUTHORITY OF INDIA LTD.
 Bokaro Steel Plant
 Town Administration Department
 Nagar Sewa Bhawan
 Bokaro Steel City, Jharkhand 827003
 Gram: BOKSTEEL, Fax Number: 06542-242305

Ref. No. : GM (TA)/LRA/2023- 1136

Dated: 28.02.2023

सेवा में
 वन प्रमंडल पदाधिकारी,
 बोकारो वन प्रमंडल,
 बोकारो।



विषय :- बोकारो इस्पात संयंत्र को हस्तांतरित वनभूमि मौजा : तेलुलिया थाना : चासए थाना नं: 38, रकवा 95.65 एकड़ के सुरक्षार्थ व्यवहार न्यायालय बोकारो में टाइटल सूट दायर करने के सम्बन्ध में।
 सन्दर्भ :- निदेशक प्रभारी बोकारो इस्पात संयंत्र बोकारो को सम्बोधित भवदीय पत्रांक-3378 दिनांक-07.12.2022

महाशय,

उपरोक्त विषयक प्रसंगाधीन पत्र एवं इसके अनुलग्नक के रूप में प्राप्त अन्य पत्रों की प्रति के आलोक में सादर सूचित करना है कि बोकारो इस्पात संयंत्र की वन : भूमि से सम्बंधित जो भी मुद्दे उठाये गए हैं, उनपर BSL द्वारा वन विभाग को दिए गए पत्रोत्तर (यथा पत्र दिनांक 19/25.03.2009 (Annexure-1), 06.03.2014- (Annexure-2), 10.03.2014 (Annexure-3), 20.07.2015 (Annexure-4) एवं 18.11.2016 (Annexure-5)) में पहले भी विस्तार से चर्चा की जा चुकी है। सुलभ सन्दर्भ हेतु इन पत्रों की छाया प्रति पुनः संलग्न की जा रही है। इसके अलावे उपरोक्त विषय में वन प्रमंडल पदाधिकारी, बोकारो के कार्यालय में दिनांक 01.08.2016 को आहूत बैठक में भी विस्तृत चर्चा की जा चुकी है।

बोकारो स्टील प्लांट का भूक्षेत्र 49 मौजा . राजस्व गांव. के पूर्ण अथवा अंश क्षेत्र तक ही सीमित है। अपने भू-सीमाक्षेत्र (रानी पोखर तथा भतुआ के अन-अधिग्रहित हिस्से को छोड़कर उत्तर में दामोदर नदी, दक्षिण में गरगा नदी, पूरब में गरगा नदी तथा पश्चिम में चंद्रपुरा-मुरी रेलवे लाइन के द्वारा सीमांकित क्षेत्र तथा गरगा जलाशय क्षेत्र जिसमें होलीक्रॉस स्कूल तथा रेलवे की जमीन के बीच का एक चतुर्थ-वृत्ताकार भूक्षेत्र भी शामिल है) में पड़ने वाले वन भूमि एवं अन्य सरकारी भूमि पर ही बोकारो स्टील प्लांट का दखल कब्जा है एवं इस भूक्षेत्र के बाहर की किसी भी वनभूमि अथवा अन्य प्रकार की सरकारी भूमि पर बोकारो स्टील प्लांट का कोई दखल कब्जा अथवा नियंत्रण नहीं है। पूरा तेलुलिया मौजा बोकारो इस्पात संयंत्र के भू-सीमाक्षेत्र के बाहर है।

उपरोक्त सन्दर्भ में पुनः स्पष्ट किया जाता है कि बोकारो इस्पात संयंत्र के पास कुल 778.46 एकड़ वन-भूमि का ही दखल कब्जा है। बोकारो स्टील प्लांट को हस्तांतरित कुल 9 मौजा के 778.46 एकड़ वन-भूमि का प्लॉटवार, ग्रामवार विवरण (Annexure-6) संलग्न किया जा रहा है। हमारे पास उपलब्ध अभिलेख के अनुसार वन-विभाग द्वारा बोकारो स्टील प्लांट को समस्त वन-भूमि का हस्तांतरण बिना शर्त किया गया है तथा हस्तांतरण के समय वन-भूमि का नक्शा भी नहीं दिया गया था। मौजा सतनपुर, तेलुलिया, डुमरजोर, खुटरी, मानगो (अंश), सिजुआ, केन्दुआडीह, तांतरी एवं गोरालाली की कोई भी वन-भूमि न तो बोकारो स्टील प्लांट के दखल कब्जे में है, न ही उस पर बोकारो स्टील प्लांट का कोई नियंत्रण है और न ही कोई दावा है। उपरोक्त तथ्यों के आलोक में इन ग्रामों की वन-भूमि वन विभाग के अधीनस्थ की वन-भूमि है।

माननीय झारखण्ड उच्च न्यायालय, रांची द्वारा वाद संख्या FA - 45 & 46 of 1991 (R) में दिनांक 06.12.2007 को पारित आदेश (Annexure-7) की प्रति संलग्न की जा रही है। माननीय उच्च न्यायालय के इसी आदेश की कंडिका 7 में इस बात का स्पष्ट उल्लेख है कि SAIL/बोकारो स्टील प्लांट को लगभग 3600 एकड़ गैरमजरुआ सरकारी भूमि एवं 778 एकड़ वनभूमि निः शुल्क रूप में हस्तांतरित है। इस मामले में प्रधान सचिव, राजस्व एवं भूमि सुधार विभाग, झारखण्ड सरकार, रांची द्वारा माननीय उच्च न्यायालय में दिनांक 31.01.2007 को दायर शपथ पत्र Annexure-8 के रूप में संलग्न है। यहाँ यह भी उल्लेखित करना समीचीन होगा कि वनसंरक्षक, बोकारो अंचल, बोकारो द्वारा उप: महाप्रबंधक प्रभारी (नगर सेवाएं), बोकारो स्टील प्लांट को सम्बोधित अपने पत्रांक 968 दिनांक 29.10.2007 (Annexure-9) में यह स्पष्ट उल्लेख किया गया है कि बोकारो स्टील प्लांट को हस्तांतरित होने वाले उन सभी 9 मौजा की वनभूमि को जोड़ने से यह रकवा 778.46 एकड़ हो रहा है। इस पत्र के साथ अनुलग्नक के रूप में बोकारो स्टील प्लांट को हस्तांतरित वनभूमि का व्योरा/ सूचि भी संलग्न है। इस सूचि में क्रमांक 1 से लेकर 49 तक के गांव की भूमि आंशिक अथवा पूर्ण रूप से बोकारो स्टील प्लांट की है तथा 9 गांव की हस्तांतरित वनभूमि का भी उल्लेख है जिसमें तेलुलिया गांव का कोई भी उल्लेख नहीं है।

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2/2/23
 28/2/23

स्टील अथॉरिटी ऑफ इन्डिया लि.
ओकारो इस्पात संयंत्र
नगर प्रशासन विभाग

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88



नगर सेवा भवन
ओकारो इस्पात नगर, झारखण्ड 827003

ग्राम: ओकस्टील, फैक्स संख्या: 06542-242305

आपके पत्र के साथ अनुलग्नक के रूप में प्राप्त झारखण्ड सरकार के अवर सचिव, वन पर्यवारण एवं जलवायु परिवर्तन विभाग के पत्रांक 2603 दिनांक 05.09.2022 से स्पष्ट है कि जिला-बोकारो अंतर्गत मौजा-तेतुलिया, थाना नं-38, खाता नं-59, प्लॉट नं-426 एवं 450 के 103 एकड़ वनभूमि को इजहार हुसैन के नाम से पूर्व से चली आ रही जमाबंदी को दिनांक 09.09.2016 को विद्वान् अपरसमाहर्ता, बोकारो द्वारा रद्द किये जाने के आदेश को माननीय उच्च न्यायालय एवं माननीय सर्वोच्च न्यायालय द्वारा रद्द कर दिया गया है। इजहार हुसैन द्वारा माननीय झारखण्ड उच्च न्यायालय में दायर वाद संख्या WP(C) No. 593 of 2017 में दिनांक 14.06.2018 को माननीय न्यायालय द्वारा पारित आदेश की प्रति (Annexure-10) तथा इस आदेश के खिलाफ झारखण्ड सरकार द्वारा माननीय झारखण्ड उच्च न्यायालय के डबल बेंच में LPA No. 7862018 के साथ I.A. No. 115462018 के साथ I.A. No. 115472018 के साथ I.A. No. 22302019 दायर किया गया जिसमें माननीय न्यायालय द्वारा 05.11.2020 को निम्नलिखित आदेश (Annexure-11) पारित किया गया:-

Quote

"26. Accordingly, since the instant appeal lacks merit, is dismissed.

I.A. No. 11547 of 2018 & I.A. No. 2230 of 2019

27. In view of the dismissal of the Letters Patent Appeal, both these Interlocutory applications stand disposed of." **Unquote**

माननीय झारखण्ड उच्च न्यायालय के उपरोक्त दोनों आदेशों में मौजा-तेतुलिया के उपरोक्त वनभूमि के सम्बन्ध में विस्तृत चर्चा की गयी है तथा इसे वनभूमि के बजाए रैयती भूमि माना गया है। तदुपरांत झारखण्ड सरकार द्वारा माननीय सर्वोच्च न्यायालय में SLP No. 8108 2021 (State of Jharkhand and Ors- Vrs- Izhar Hussain) (Arising out of impugned final judgment and order dated 05.11.2020 in LPA No. 786/2018 passed by the High Court of Jharkhand at Ranchi) दायर किया गया। इस मामले में माननीय सर्वोच्च न्यायालय द्वारा दिनांक 06.07.2021 को निम्नलिखित आदेश (Annexure-12) पारित किया गया है :-

Quote

"We are not inclined to interfere with the impugned final judgment and order passed by the High Court. The special leave petition is, accordingly, dismissed.

Pending application (s), if any, shall stand disposed of." **Unquote**

तदुपरांत मौजा-तेतुलिया, थाना नं 38, अंचल-चास, जिला-बोकारो के अंतर्गत हाल खाता/साविक खाता नं 158/59, हाल खेसरा/साविक खेसरा नं 1287/450 एवं 1263/426 की जमीन को छोटानागपुर कास्तकारी अधिनियम की धारा 87 के अंतर्गत प्रतिवादी सेल/बोकारो स्टील प्लांट का नाम विलोपित करने के सम्बन्ध में वादी श्री महेंद्र कुमार मिश्रा, पिता-श्री विश्वनाथ मिश्रा के नाम से हाल खाता सुधार हेतु न्यायालय श्री मिथलेश कुमार चौधरी, राजस्व पदाधिकारी, शिविर चास, जिला-बोकारो द्वारा छोटानागपुर कास्तकारी अधिनियम की धारा 87 के अंतर्गत वाद संख्या 4330 2013 दर्ज किया गया। उपरोक्त मामले में दिनांक 02.03.2022 को राजस्व पदाधिकारी, शिविर चास, जिला बोकारो द्वारा निम्नलिखित आदेश (Annexure-13) पारित किया गया :-

"अतः आदेश दिया जाता है कि मौजा-तेतुलिया, मौजा नं 38, अंचल चास, जिला - बोकारो के हाल खाता नं 158 के हाल खेसरा संख्या 1287 का दर्ज रकवा 58.96 एकड़ में से रकवा 55.96 एकड़ तथा हाल खेसरा संख्या 1263 का दर्ज रकवा 18.96 एकड़ में से रकवा 18.42 एकड़ मध्यवादी के केवाला दलील में दर्ज चौहद्दी के अनुसार के खाता से प्रतिवादी का नाम खारिज समझा जाये एवं उक्त भूमि का सुधार खाता उमायुश मल्टीकाम प्रा० लिमिटेड निदेशक ललन सिंह, पिता स्व० चंद्र देव सिंह जाती राजपूत निवासी इंद्रपुरी राजा बाजार रोड नं० 1 न्यू कैपिटल पटना - 800014 बिहार के नाम से दर्ज समझा जाए। हाल खाता 158 हाल खेसरा 1263 एवं 1287 के शेष रकवा का सभी इंद्राज यथावत बहाल समझा जाये"।

सेल, बोकारो स्टील प्लांट भारत सरकार का एक उपक्रम होने के साथ-साथ एक महारत्न कंपनी है। सेल, बोकारो स्टील प्लांट की भूमि पर PP ACT, 1971 लागू होता है। जैसा कि पिछले कई पत्रों के माध्यम से यह स्पष्ट किया जा चुका है कि पूरा तेतुलिया मौजा बोकारो स्टील प्लांट के भू - सीमाक्षेत्र के बाहर है तथा इस मौजा की किसी भी वन भूमि अथवा अन्य प्रकार की सरकारी भूमि पर बोकारो इस्पात संयंत्र का कोई दखल कब्जा अथवा नियंत्रण नहीं है। अतः उपरोक्त आलोक में मौजा तेतुलिया, थाना चास, थाना नं-38 पर PP ACT, 1971 लागू नहीं होता है।

2/11/22
24/11/22

स्टील ऑथॉरिटी ऑफ इण्डिया लि.
 बोकारो इस्पात संयंत्र
 नगर प्रशासन विभाग
 नगर सेवा भवन



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बोकारो इस्पात नगर, झारखंड 827003
 ग्राम: बोकस्टील, फैक्स संख्या: 06542-242305

उपरोक्त आलोक में मौजा-तेतुलिया, थाना-चास, थाना नं-38, रकबा 95.65 एकड़ वनभूमि के मामले में सेल, बोकारो स्टील प्लांट द्वारा सम्पदा न्यायालय बोकारो में न तो बेदखली का मुकदमा दायर किया जा सकता है और न ही इसके सुरक्षार्थ व्यवहार न्यायालय, बोकारो में Title Suit ही दायर किया जा सकता है।

कृते सेल, बोकारो इस्पात संयंत्र

(Handwritten signature)

(बी. एस. पोपली)

मुख्य महाप्रबंधक प्रभारी (न० प्र०)

अनुलग्नक यथोपरि

Email

6111
01/08/23



Encroachment of Forest Land - reg

Aug 17, 2023 10:49 AM

3 attachments

From : SAIL Division <sail2@nic.in>
Subject : Encroachment of Forest Land - reg
To : Chairman SAIL <chairman.sail@sail.in>
Cc : Shri Sukhdev Singh <cs-jharkhand@nic.in>, prsecyfdjharkhand2013@rediffmail.com, ABHIJIT NARENDRA <abhijit.narendra@nic.in>, NEHA VERMA <neha086-ifs@gov.in>, K RAVICHANDRAN Under Secretary Ministry of Steel <k.ravichandran25@nic.in>, SAIL Division <sail2@nic.in>

Director /c (BSE)

Dir (Pers)

Sir/Madam,

Please find attached this Ministry's letter dated 17.08.2023 on the subject mentioned above for necessary action and information.

W. Kumar
04/9/23

Regards/ सादर :
 SAIL Division/ सेल प्रभाग
 Ministry of Steel/ इस्पात मंत्रालय
 Udyog Bhawan/ उद्योग भवन
 दूरभाष/Tel: 23061247

CC: M (TA)
P.C. discuss
Rajiv
 30/8/23



G.M (TA-LRA)



S-29026/62/2023-SAIL
 Government of India
 Ministry of Steel
 (SAIL Division)

Udyog Bhavan, New Delhi
 Dated the 17th August, 2023

To
 Chairman
 Steel Authority of India Limited (SAIL)
 Ispat Bhavan
 Lodi Road
 New Delhi - 3

Subject: Encroachment of Forest Land - reg

Sir,

I am directed to convey that an apprehension has been brought out where unused forest land, diverted for the BSL, are being grabbed unauthorisedly by local land mafia along with tampering of land record. This has also been highlighted in a communication within Forest Department in the state of Jharkhand (copy enclosed). In this context, Secretary Ministry of Mines, has indicated that out of 1536.40 acres of forest land in possession of Steel Authority of India Limited (SAIL) in Jharkhand, 756.94 acres are presently lying unused which appears vulnerable for such illegal activities.

2. You are therefore requested to take the necessary measures and strict actions to safeguard SAIL's land by engaging with Forest department and State machinery. It is also requested to provide status and an action taken report in the matter at the earliest.

This issues with the approval of the Competent Authority.

Yours faithfully,

K. Ravichandran
 17.8.2023

(K. Ravichandran)

Under Secretary, the Government of India
 Tel # 23063807

Encl: As above

Copy for information and necessary assistance

1. Chief Secretary, Government of Jharkhand, Ranchi
2. Additional Chief Secretary (Forests), Government of Jharkhand, Ranchi



IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION 1ST, BOKARO

Original Suit No.: _____ /2024

THE STATE OF JHARKHAND THROUGH DIVISIONAL FOREST OFFICER, BOKARO

-----Plaintiff

VERSUS

IZHAR HUSSAIN & OTHERS

-----DEFENDANTS

STATEMENT OF ADDRESS OF THE PLAINTIFF

The State of Jharkhand
Through **DIVISIONAL FOREST OFFICER,**
Bokaro Forest Division,
Namely **RAJNISH KUMAR,**
Aged about- 40 years,
S/o Sri. Birendra Prasad Singh,
Having office at Van Bhawan, Purulia Road,
P.O. & P.S.-Chas, District- Bokaro, Jharkhand-827013

Rajnish Kumar

Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
[Signature]
Adh
05/10/24

[Signature]
05/10/24

IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION 1ST, BOKAROOriginal Suit (Title) No.: _____/2024

The State of Jharkhand

Through **DIVISIONAL FOREST OFFICER,**

Bokaro Forest Division,

Namely **RAJNISH KUMAR,**

Aged about- 40 years,

S/o Sri. Birendra Prasad Singh,

Having office at Van Bhawan, Purulia Road,

P.O. & P.S.-Chas, District- Bokaro, Jharkhand-827013

.....**Plaintiff****Versus**1. **Izhar Hussain,**

Aged about 53 years,

2. **Akhtar Hussain**

Aged about 50 years,

Both Sons of Late Sheikh Bada Babu Ansari,

Both Resident of Village – Ukrid,

P.O. and P.S.- Sector 12,

District – Bokaro, Jharkhand-827012

3. **Shailesh Kumar Singh,**

S/o Vikramditya Singh,

R/o House No. 314, B/3,

Indrapuri Road No. 01, Ashiyana Nagar,

Rukanpura, Patna, Bihar-800014

Rajnish Kumar
Divisional Forest Officer
Bokaro Forest Division, BokaroB
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4. Umaayush Multicom Pvt. Ltd.,

Through its Director Lalan Singh,
S/o Chandra Deo Singh,
Having Registered office at Smt. Pushpa Kumari,
W/o Shailesh Kr. Singh, Indra Puri, Rajabazar,
New Capital, Patna-800014.

.....**Defendants**

5. DIRECTOR IN-CHARGE,

SAIL, Bokaro Steel Plant,
Having office at Administrative Building,
Ispat Bhawan, P.O. - Bokaro Steel City,
District Bokaro, Jharkhand-827001.

6. Circle Officer, Chas

Having Office at Circle Office,
Purulia Road, Chas,
P.O. & P.S. - Chas,
Dist. - Bokaro, Jharkhand-827013

-----**Proforma Defendants**

**SUIT FOR DECLARATION, CONFIRMATION
OF POSSESSION, PERMANENT INJUNCTION.**

SUIT VALUED AT - Rs.1,00,00,00,000/-

(Rupees One Hundred Crores)

By
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08/10/24

Lal Singh Kumr
Divisional Forest Officer
Bokaro Forest Division, Bokaro

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Kumar
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The Plaintiff above-named, most humbly begs to state as follows:

MOST RESPECTFULLY SHEWETH:

1. That the property described in Schedule at the foot of this plaint is the subject matter of instant suit and hereinafter referred to as "suit property" for the sake of brevity.
2. That the Plaintiff herein i.e. the State Government of Jharkhand is claiming the right, title, interest and possession over the suit property as against the defendant who is a private individual.
3. That the suit property comprises of Plot No. 426 having area 30.35 acres and Plot No. 450 having area 55.40 acres both situated in Mouza- Tetulia, Thana- Chas, District- Bokaro.
4. That it is pertinent to mention here that the total area of aforementioned Plot No. 426 is 40.60 acres, however, the Plaintiff has a claim only over a portion of Plot No. 426 which is having an area 30.35 acres. Likewise, the total area Plot No. 450 is 66.60 acres, however, the Plaintiff is claiming ownership over a portion of Plot No. 450 which is having an area of 55.40 acres.
5. That the fact of the matter is the entire Plot No. 426 and 450 of Village- Tetulia, Thana- Chas, District- Bokaro is recorded as 'Gair Abad Malik' 'Jungle Sal' in the continuous Khatiyon.
6. That, in the year 1947 vide Notification no. 4466-VIF-29/47-R the suit property was notified as private protected forest under the Bihar Private Protected Forest Act, 1947. After notification of the said land as Private Protected Forest (PPF), Forest Settlement

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Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
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Officer was appointed to look into the claims of private individuals, and demarcation of PPF was done.

7. That in the year 1955-56, after coming into force of the Bihar Land Reforms Act, 1950 the entire suit property vested into then Government of Bihar and accordingly the suit property became the property of the then State of Bihar and in the continuous khatiyani, the nature of the land had been described as 'Gair Abad Malik' 'Jungle Sal'.
8. That in the year 1958, vide Notification No. C/F-17014/58-1429R dated 24.05.1958 issued by the Government of Bihar in exercise of powers under Section 29 of the Indian Forest Act, 1927, the suit property along with several other adjacent plots was notified as 'Protected Forest'.
9. That, the suit property was within the demarcation of the protected forest and as such it stood confirmed that the suit property is protected forest land belonging to the then State of Bihar.
10. That pursuant to Gazette Notification No. DLA-HAZ-112/61-9505-R, dated 04.09.1961 as well as letter no. -A/GL-42123/61-541-R dated 29.01.1962 issued by the Secretary, Revenue Department, Government of Bihar 908.98 acres of forest land of 11 villages (including the forest land of mouza Tetulia) under the then Dhanbad Forest Division (now Bokaro Forest Division) including the suit property was transferred to Hindustan Steel Ltd. for establishing Bokaro Steel Plant.

Gair Abad
 Divisional Forest Officer
 Bokaro Forest Division, Bokaro

By
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11. That however, out of 908.98 acres of forest land, the Bokaro Steel Plant took over 864.21 acres of forest land only including the suit property in mauza Tetulia. Later on, the Bokaro Steel Plant wrote letters intending to return 95.65 acres of forest land of Mouza-Tetulia and 155.78 acres in mauza Satanpur to the forest department but the same could not be transferred back to Forest Department due to non-receipt of orders from the state government for the said returning of forest land.

12. That though the forest land including the suit property was transferred to Bokaro Steel Ltd, the ownership of the forest land remained with state government but Bokaro Steel Ltd has been in possession of the said forest land, part of which has been utilized for setting up of steel plant and other infrastructure and rest of the land including the suit property in mauza Tetulia remained vacant.

13. That at this juncture it is pertinent to mention here that illegal sale-purchase of government lands as well as forest lands had become rampant in the State of Jharkhand and especially in the district of Bokaro. To avoid the illegal sale-purchase of forest lands in the district of Bokaro, the Divisional Forest Officer, Bokaro vide letter no. 886 dated 30.05.2015 provided a list of forest lands to the District Sub-Registrar, Bokaro asking him to ensure that sale-purchase of such plots do not take place. The list included the description of suit property as well.

14. That again vide letter no. 2755 dated 12.10.2017 the Divisional Forest Officer, Bokaro provided list of protected forest lands within Bokaro district to the District Sub-Registrar, Bokaro so that sale-

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purchase of those lands do not take place in the registry office. This list also included the description of suit property.

15. That on 12.03.2021 the Divisional Forest Officer, Bokaro came across a news article published in daily newspaper 'Prabhat Khabar' in which it was stated that the suit property has been subject matter of sale-purchased in between private individuals.
16. That on 12.03.2021 itself, the Divisional Forest Officer, Bokaro vide letter no. 895 issued a show-cause to the District Sub-Registrar, Bokaro asking him whether he has registered any deed with respect to the suit property and if yes, then why an action against him under Section 3(A) & 3(B) of the Forest Conservation Act, 1980 be not taken for allowing sale-purchase of the notified protected forest land and thereby allowing illegal non-forestry use of forest land.
17. That soon after issuing aforesaid letter no. 895 dated 12.03.2021, the Defendant No. 01 herein instituted a contempt case against the Divisional Forest Officer, Bokaro being Cont. Case (Civil) No. 214/2021 before the Hon'ble Jharkhand High Court alleging that the Divisional Forest Officer, Bokaro by issuing letter no. 895 dated 12.03.2021 upon District Sub-Registrar, Bokaro has violated the orders passed by the Hon'ble Jharkhand High Court being dated 14.06.2018 passed in W.P.(C) No. 593/2017 (Izhar Hussain v. State of Jharkhand & Ors.) and order dated 05.11.2020 passed in L.P.A. No. 786/2018 (State of Jharkhand & Ors. v. Izhar Hussain). These cases related to the suit property.
18. That it is pertinent to mention here that the neither the Divisional Forest Officer, Bokaro nor the Forest Department were a party in

Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
A. K. S.
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W.P.(C) No. 593/2017 and L.P.A. No. 786/2018. As such, the Divisional Forest Officer, Bokaro had no knowledge about the proceedings instituted by the Defendant No. 01 before the Hon'ble High Court with respect to the suit property. Hence, the Divisional Forest Officer, Bokaro when received notice of Cont. Case (Civil) No. 214/2021, he was taken aback. Only after going through the contents of the contempt case, the Divisional Forest Officer, Bokaro came to know about orders passed in W.P.(C) No. 593/2017 and L.P.A. No. 786/2018 which was contested between the defendant-Izhar Hussain and Revenue Department, Government of Jharkhand with respect to the suit property.

19. That the Defendant No. 01 Izhar Hussain had filed W.P.(C) No. 593/2017 before the Hon'ble Jharkhand High Court at Ranchi with a prayer for quashing the order dated 09.09.2016 passed in Misc. (4h) Case No. 110 of 2016-17 by the court of learned Additional Collector, Bokaro and countersigned by the Deputy Commissioner, Bokaro, whereby alleged long running Jamabandi of the defendant, being Jamabandi No.1665, appertaining to Khata No. 59, Plot Nos. 426 and 450, Thana No. 38, area 103 acres, Mouza Tetulia, District Bokaro, was cancelled. The defendant also prayed for quashing the order contained in memo no.6387 dated 15.12.2016 passed by the Joint Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, whereby the consent for cancellation of Jamabandi of the defendant was given with a direction to take possession of the land. Further prayer was made for quashing letter No.80/Revenue dated 18.01.2017 issued under the signature of the Deputy Commissioner, Bokaro, whereby the Circle Officer, Chas was directed to delete the name of the defendant mentioned in the

Izhar Hussain
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
Ramesh Adh
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Register II, at Page 1665 by cancelling the Jamabandi and to take possession of the land.

20. That the case set-up by the defendant before the Hon'ble High Court in W.P.(C) No. 593/2017 was that the land appertaining to Khata No. 59, Plot Nos.426 and 450, area 103 acres, situated in village - Tetulia, Anchal - Chas, was given by Shri Chamtu Singh to Raj Kumar Singh Tikat by way of Jot Patta vide deed no. 311 dated 31.12.1893 and the rent was assessed vide Rent Suit No.260 of 1928-29. Thereafter, vide Deed No. 5018 dated 25.11.1933 the said land was surrendered. The Deputy Collector, Purulia vide Certificate Case No.191 of 1933 settled the said land in an auction proceeding in favour of one Samir Mahat @ Samir Mahto (the ancestor of the defendant) who came in possession of the same. On 26.06.2012, a certificate was issued by the Circle Officer, Chas certifying that the said land was settled in the name of Samir Mahto, the grandfather of the defendant vide Auction Certificate Case No.191/1933. One Niraj Mohan preferred an application before the Additional Collector, Bokaro for verification of the land of the defendant, as the same is "Gair Abad Malik", as per the Khatian, whereas the mutation of the said land has been done and the rent receipts are being issued in favour of the defendant. On the basis of the said application, a proceeding being Misc. Case No.56/2015-16 was initiated, wherein the final order was passed on 17.03.2016 after making due enquiry and considering the report of the Halka Karamchari. It has been mentioned in the report that the present raiyats i.e. Izhar Hussain and Akhtar Hussain are the recorded raiyats of Register-II in Thoka (Lot) No. 1665 which is absolutely correct and proper and thus the application of Niraj Mohan was held to be baseless and false.

Samir Mahto
 Divisional Forest Officer
 Bokaro Forest Division, Bokaro

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Thereafter, a notice dated 30.05.2016 was issued by the Circle Officer, Chas intimating the defendant to appear on 14.06.2016 to put forth his stand as Jamabandi over the said land was found to be illegal/suspicious. Thereafter, a case was instituted by the Additional Collector, Bokaro, being Misc. (4h) case No. 110 of 2016-17 and a notice was issued to the defendant from the Court of Additional Collector, Bokaro seeking reply as to why the Jamabandi of the defendant over the said land be not cancelled u/s 4(h) of the Bihar Land Reforms Act, 1950. The defendant filed his reply and the final order was passed on 09.09.2016 by the Additional Collector, Bokaro as well as the Deputy Commissioner, Bokaro whereby the Jamabandi of the defendant over the said land was annulled holding inter alia that the same was illegal and false as per section 4(h) of Bihar Land Reforms Act, 1950.

21. That the defendant contended before the Hon'ble High Court that on the basis of the Auction Certificate Case No.19 of 1933, the Jamabandi was created initially in the name of the grandfather of the defendant and thereafter in the name of the defendant, whereby the land was settled in the name of Samir Mahto (the grandfather of the defendant no. 01 and 02).

22. That the case which was put forward by the State of Jharkhand was that the land in question is recorded as Gair Abad Malik in the Khatian, and the nature of the land is Forest/Jungle-Jhari. The said land has been notified as protected forest vide notification no. C/F17014/58-1429R dated 14.05.1958. Moreover, the defendant did not submit the purported "Jot Patta" vide Deed no.311 dated 31.12.1893. No document in support of the surrender of the land was filed by the Defendant before the Hon'ble High Court. Further,

Samir Mahto
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
A. Kumar
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the surrender deed no. 5018 was of 25.11.1933, however, the dates of certificate of sale was mentioned as 23.10.1933 and 28.11.1933 which creates suspicion. The ancestors of the defendant were never in possession of the said land. The Jamabandi was opened without any previous permission of the competent authority. The purported Jamabandi No. 1665 was opened vide order dated 17.03.2016 passed in Misc. Case No. 56 of 2015-16 in the name of the defendant after making manipulation in Register-II. The land in question was recorded in the Khatiyas as "Gair Abad Malik". All Gair Abad Malik lands were vested in State Government except those in which the returns were filed by the ex-landlord showing any settlement to this effect.

23. That after considering the rival contentions of the parties, the Hon'ble High Court vide order dated 14.06.2018 was pleased to allow the writ petition of the Defendant setting aside the orders by which *jamabandi* running in the name of the Petitioner was cancelled, on the ground that section 4(h) of Bihar Land Reforms Act is not applicable in the matter because the Additional Collector failed to cite the grounds for the applicability of 4(h) of BLR Act in the impugned order dated 09.9.2016. However, the Hon'ble Court reserved the liberty with the State Government to claim title of the land in question before the competent civil court.

24. That the State of Jharkhand thereafter preferred L.P.A. No. 786/2018 challenging order dated 14.06.2018 passed in W.P.(C) No. 593/2017 but the same was also dismissed vide order dated 05.11.2020 by the Division Bench of the Hon'ble Jharkhand High Court.

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Divisional Forest Officer
Bokaro Forest Division, Bokaro

By

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25. That the State of Jharkhand then preferred S.L.P. (C) No. 8108/2021 before the Hon'ble Supreme Court of India against order dated 05.11.2020 passed by the Hon'ble High Court in L.P.A. No. 786/2018, but the same was also dismissed vide order dated 06.07.2021.

26. That it is reiterated herein that the Divisional Forest Officer, Bokaro and the Forest Department were unaware of the abovementioned proceedings before Hon'ble High Court and the Hon'ble Supreme Court, since they were not impleaded as a party in the writ proceedings by the Defendant. The Divisional Forest Officer, Bokaro came to know about the aforementioned proceedings only after receipt of notice of Cont. Case (Civil) No. 214 of 2021. Thereafter, the Divisional Forest Officer, Bokaro was constrained to withdraw the show-cause issued to the District Sub-Registrar, Bokaro vide letter no. 895 dated 12.03.2021. Upon withdrawal of the said letters Cont. Case (Civil) No. 214/2021 was dropped by the Hon'ble High Court vide order dated 17.08.2021.

27. That, it is also relevant to state that in the year 1968, the Bokaro Steel Ltd., decided to return the forest land transferred to them, in two villages namely Tetulia and Satanpur out of the 11 villages where transfer had taken place in 1962, back to the forest Department saying that the land in villages Tetulia and Satanpur was falling outside the boundary line of the Bokaro Steel Plant project, and made a request to the DFO, Dhanbad vide his letter No. Land/BSL/L1-7/68-49, Dated 25.9.1968 and letter No. Land/BSL/L1-7/68-78, Dated 11.12.1968 for taking it back. Thereafter, the DFO, Dhanbad vide his letter no. 3773, Dated 17.12. 1968 replied to the BSL that the forest land of 251.3 acres proposed to be returned back to the forest department cannot be taken over by us at present in the absence of any order from the Govt., and

By
 Divisional Forest Officer
 Bokaro Forest Division, Bokaro

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the matter is being referred to higher authorities. The BSL thereafter vide their Letter No. TA/A/02/30-1282, dated 02.12.1977 reminded the DFO, Dhanbad again to resolve the pending matter of the forest land proposed to be returned back to the Forest Department in the villages Tetulia and Satanpur, but the same could not be handed over back to the forest department as the forest department did not get the formal directions from the state government for taking back the forest land. The Divisional Forest Officer, Dhanbad Forest Division vide Memo No. 525, dated 23.02.1976 requested the Managing Director, SAIL, Bokaro Steel Plant to expedite deposit of Rs.22,81,189.38 being the balance of royalty of forest produce and compensation lying outstanding against the BSL since 24.05.1962. In reply to the letter of Town Administration Department of BSL vide Letter No. TA/A/02-30 Vol, IV-569, dated 17.07.1980 The Divisional Forest Officer, Dhanbad wrote a letter vide Letter No. 1783, dated 02.08.1980 and provided the rectified assessed amount against revenue and compensation of forest material which came to the tune of Rs.20,58,756.00. Total sum of Royalty of forest produce and compensation included royalty of forest produce and compensation from the forest land of Tetulia too. Bokaro Steel Plant acknowledged through Letter No. Town Services/TA/LAND/2010/1642, dated 09.06.2010 addressed to the Circle Officer, Chas that 95.65 acres of forest land in Tetulia was formally handed over to Bokaro Steel Limited by the Forest Department. Further from time to time many meetings and correspondences have taken place between forest department and BSL, which clearly show that the suite land has been in possession of the BSL and the same are enclosed as evidence besides other documentary evidence.

Pravin Kumar
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
Pravin Kumar
08/10/24

28. That, in the year 2013 the draft report of revisional survey was published in which plots in question are recorded in the name of

K. S. Prasad

Bokaro Steel Plant and thus the said land remained with Bokaro Steel Plant. The plots in question are property of the government which was not taken care of by Bokaro Steel Ltd., which led to their illegal sale-purchase.

29. That, when the above facts were brought in the notice of the State Government, directions were issued by the State Government vide letter no. 2603 dated 5.09.2022 for filing title suit in coordination with competent authority of BSL. BSL vide Letter No. 1136, dated 28.02.2023, informed that it has no claim of the plots in question and those plots are outside the boundary of Bokaro Steel Ltd. It was further asserted by BSL that the Forest Department may take appropriate action with respect to the plots.

30. That, Ministry of Steel vide letter dated 17.08.2023 informed Chairman, SAIL that out of 1536.40 acres forest land in possession of SAIL in Jharkhand, 756.94 acres are lying unused which appears vulnerable for illegal activities and therefore strict action to be taken to safeguard it.

31. That, accordingly, the present title suit is being instituted upon the instructions of the State Government and with the consent of Bokaro Steel Ltd.

32. That the Defendant No. 01 Izhar Hussain, who has described himself as the grandson/ descendant of Sameer Mahat alias Sameer Mahato alias Samiruddin Ansari, by forging/ getting fabricated documents, has laid claim over land situated in Khata No.-59, Plot No. 426 & 450, having total area- 103 acres which is located in Mauza- Tetulia, Circle- Chas, District- Bokaro, major portion of which is the suit property.

Rajm Km
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
Rajm Km
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05/10/24

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33. That it is claimed by Defendant- Izhar Hussain that the said land was given by Rajkumar Singh Tikait to Chamtu Singh through Jot-Patta No. 311 dated 31.12.1893. After that Rent Suit No. 260/28-29 was registered and rent was assessed. It is claimed that later the land was surrendered through Deed No. 5018 dated 25.11.1933. It is then claimed that Certificate Case No. 191/1933 was instituted by the Deputy Collector, Purulia and by Registered Certificate of Sale No. 191/1933 dated 23.10.1933 & 28.11.1993 in an auction proceeding the land was settled in favor of Sameer Mahat alias Sameer Mahato. No such document exists and the same is fake document manufactured by the Defendant No. 01 & 02. On the basis of this fake document, the Defendant No. 01 & 02 got a certificate issued from Circle Officer, Chas on 26.06.2012.

34. That in relation to Deed No.-191/1933, a correspondence was made by the Divisional Forest Officer, Bokaro to the Registry Office, Purulia, West Bengal asking about the genuineness of the said document. In this regard, information was provided by District Registrar, Purulia vide letter no. 275/ DR/ PRL/ SF1 dated 09.06.2023 that there is no existence of the said document in his records. On further correspondence, the District Registrar, Purulia through his letter number 360/ DR/ PRL/ SFI dated 04.08.2023 informed that there is no record of the said deed in the Record Room Section of the office of District Magistrate Purulia, West Bengal office. Thus, it clear that Deed No. 191/1933 is a forged document.

35. That it is being claimed by the Defendant No. 01 & 02 that in the year 2005-2006, Sameer Mahato died at the age of about 80 years. If this is true, then in the year 1933, Sameer Mahato's age would

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Rajiv Kumar
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
D Kumar
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have been 7-8 years. Thus, he was not competent to participate in the auction or for that matter any kind of legal proceedings.

36. That apart from the aforesaid, there is no proof of payment of updated rent to the government from the year 1933 to 2012-13. The proof of the Jamabandi is claimed from the Miscellaneous Case No. 56/15-16 dated 17.03.2016.

37. That, it is further submitted that had the defendant no. 01 and 02 were the descendants of the rightful owner of the land, they would not have purchased the land from other persons. It is further submitted that the defendant no. 01 Izhar Hussain purchased land from one Nand Lal Singh, S/o Late Tikait Manmohan Singh through Registered Sale Deed No. 3097, dated 16.04.1984 having an area of 2.50 acres in Plot No. 426, Khata No. 59 along with one Gulam Nabi Ansari. Thus, it is clear that Izhar Hussain along with other land mafias created and manufactured the forged documents to lay claim over the land of the Forest Department.

38. That it was also found that Defendant- Izhar Hussain and one Akhtar Hussain had given three power of attorney to Mr. Shailesh Kumar Singh which has been registered at Bokaro Registration Office, Bokaro the details of which are as follows:-

- i. First Power of Attorney:- Book No. IV. Volume No. 17, Page No. -103 to 112 having Power No. -6341 / 849 dated 07.06.2011;
- ii. Second Power of Attorney:- Book No. IV, Volume No. 4 Page No. 483 to 492 having Power No. 3938/197 dated 30.05.2012 and
- iii. Third Power of Attorney:- Book Number- IV, Volume No. 5, Page No. 577 to 586 having Power No. 258 dated 03.07.2012.

Geetanjali Koley
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
Shailesh Kumar Singh
05/10/24

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39. That, it is pertinent to mention that above- mentioned first and second Power of Attorney were executed prior to the date of mutation i.e. 29.06.2012.
40. That after this, all three conspired together and manufactured fake documents and with an intention to cheat the government officials and to grab the forest land, presented fake documents to the officials of the department of the State Government.
41. That, in the year 1985, the draft report of revisional survey was published in which plots in question are recorded in the name of Bokaro Steel Plant. Even in the final report of revisional survey, the name of Bokaro Steel Project Authority, Government of India has been recorded as raiyat because the Forest Department duly transferred the land to Bokaro Steel Ltd., and this fact was acknowledged by SAIL, Bokaro Steel Plant. It is further submitted that one Mahendra Kumar Mishra after publication of final revisional survey report raised objection against entry of Bokaro Steel Project Authority, Government of India as raiyat of New Khata No. 158 (Old Khata No. 59), New Plot No. 1263 (Old Plot No. 426) and 1287 (Old Plot No. 450) having area of 18.96 acres and 58.96 acres respectively u/s 87 of CNT Act, 1908 stating therein that he has purchased land by dint of Sale Deed No. 5938, dated 06.08.2009 and Sale Deed No. 5937, dated 06.08.2009. Thereafter, the proceeding was dropped vide order dated 19.01.2015. It is further submitted that the defendant no. 01 filed a petition on 30.01.2015 to make him as a party as intervenor and thereafter on 18.12.2021, another applicant namely Umayush Multicom Pvt. Ltd. (defendant no. 04) represented by the director namely Lalan Singh filed a petition stating therein that he had purchased the land from

Prakash Kumar
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
Prakash Kumar
05/10/24

K. S. Mishra

Izhar Hussain (defendant no. 01) and Akhtar Hussain (defendant no. 02) through Registered Sale Deed No. 719, dated 10.02.2021, therefore, he may be added as party and after taking the evidence and documents of the parties, the Survey Settlement Officer passed an order that since the Special Land Acquisition Officer, Bokaro issued a letter stating therein that the said land was not acquired by the State Government for the purpose of Bokaro Steel Project and on the basis of the sale deeds as well as existing Jamabandi which has been confirmed by the Hon'ble Courts and also on the basis of the possession of the intervenors, passed order in the correction in the recent Khatiyon and accordingly the name of defendant no. 04 Umayush Multicom Pvt. Ltd. was mutated in place of Bokaro Steel Project Authority, Government of India vide order dated 02.03.2022. It is submitted that SAIL, Bokaro Steel Plant concealed this fact that the Forest Land was handed over to Bokaro Steel Project Authority and Bokaro Steel Plant came into possession on the Forest Land and also received the relevant documents in respect of the land from the Forest Department. Since there was notification of the State Government in respect of 95.65 acres of land of mouza Tetuliya in Khata No. 59, Plot No. 426, 450, 483, 554, and 474 and the declared the said land as protected forest and once the land has been declared as protected forest by the State Government, it cannot be used for any non-forestry work and all these facts were concealed before the Survey Settlement Officer by the intervenors as well as SAIL, Bokaro Steel Plant and erroneous order was passed by the Survey Settlement Officer. Since Forest Department was not aware of the order of the Survey Settlement Officer, therefore, objection/appeal could not be preferred by the Forest Department within the limitation period.

Reem K
 Divisional Forest Officer
 Bokaro Forest Division, Bokaro

By
 [Signature]
 05/10/24

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 05/10/24

42. That, the plaintiff submits that the entry of the name of defendant no. 04 as the raiyat of suit property, in the record of the recent revisional survey, is erroneous one, because the Survey Settlement Officer has declared, vide order dated 02.3.2022, the defendant no. 04 as raiyat of protected forest, which is not legally tenable and permissible in the eye of law.

43. That, now SAIL, Bokaro Steel Plant has requested the Forest Department acknowledging this fact that the suit property is the forest land, therefore, requested the Forest Department to take suitable action for the suit property.

44. That the Defendant no. 01 Izhar Hussain and defendant no. 02 Akhtar Hussain, both sons of Sheikh Bada Babu, both grandsons of Late Sameer Mahat alias Sameer Mahato alias Sameeruddin Ansari, both residents of Ukrid, Police Station- Sector-12, Bokaro Steel City as well as Shailesh Kumar Singh, son of Vikramaditya Singh, grandson of Late Gaya Prasad Singh, permanent resident of Road No. 01, Indrapuri Patna, Police Station- Shastri Nagar, District- Patna, Bihar-14, at present residing at City Centre, Sector-4, Bokaro Steel City, District- Bokaro, all the three together manufactured many fake documents as part of a conspiracy and with the intention of fraudulently grabbing the forest land executed Sale Deed No. 733/719 dated 10.02.2021. It is submitted that at the time of registration of the sale deed, Internet downloaded copy of the Register-II dated 09.02.2021 has been annexed with the sale deed, in which the nature of Khata (land) was blank (i.e. nothing has been mentioned). However, after execution of the sale deed, the nature/type of Khata in Register-II

Divisional Forest Officer
Bokaro Forest Division, Bokaro

By

① Izhar
Akhtar
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was shown as 'Gair Majurwa Khas'. This shows that the principal defendants in connivance with the revenue officials were manipulating the records of the suit land lying with revenue department.

45. That, the defendants in connivance with the some of the revenue officials manipulated the revenue records, for which inquiry was made by a Special Investigating Team by the state government and an inquiry was also initiated against the then Circle Officer who was instrumental in the manipulation of the revenue records in respect of the suit property and after inquiry, he was found guilty in manipulating the revenue records in respect of the Forest Land and later on, he was dismissed from his service by the State Government.

46. That a criminal case being Complaint Case No. 106/2024 was instituted by the office of the Divisional Forest Officer, Bokaro before the Chief Judicial Magistrate, Bokaro against the Defendant- Izhar Hussain, Akhtar Hussain, Shailesh Kumar Singh as well as the responsible officers of the State Government and Bokaro Steel Plant for committing fraud with the government and grabbing forest land. The learned Chief Judicial Magistrate, Bokaro exercising powers under Section 156 (3) of the Criminal Procedure Code, 1973 vide order dated 12.03.2024 was pleased to refer the matter to the Officer In-charge of Bokaro Sector-XII P.S. for registration of F.I.R. against the accused persons. As such Sector-XII P.S. Case No. 32/2024 has been instituted against the accused persons on 18.03.2024 under Sections 406/420/467/468/471/120-B/34 of the I.P.C. and Section 30/63 of the Indian Forest Act, 1927.

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Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
[Signature]
08/10/24

K. S. J. M.
05/10/24

47. That from the aforesaid facts it is clear that the suit property is a notified protected forest land and the Plaintiff- State of Jharkhand through Forest Department has absolute right, title and interest over the suit property.
48. The cause of action for the plaintiff first arose on 12th March 2021, when the Divisional Forest Officer, Bokaro, discovered through a newspaper article that the suit property, comprising Plot No. 426 (30.35 acres) and Plot No. 450 (55.40 acres) situated in Mouza Tetulia, Thana Chas, District Bokaro, had been illegally sold by the defendants to private individuals, despite being protected forest land. It arose on when the suit property was duly notified as a Protected Forest on 24th May 1958 under Section 29 of the Indian Forest Act, 1927, following its declaration as a Private Protected Forest in 1947 under the Bihar Private Protected Forest Act, and it vested in the government under the Bihar Land Reforms Act, 1950. It further arose in the year 1961-62 when the land was transferred to Bokaro Steel Plant for industrial use, but its ownership remained with the State of Bihar (now Jharkhand), with Bokaro Steel Plant merely holding possession. It arose when the defendants, through fraudulent means, fabricated an auction certificate dated 23rd October 1933, which was proven to be false through investigations. It arose when, the defendant in connivance with each other and through defendant no. 03 executed an illegal Sale Deed No. 733/719 dated 10th February 2021 in favor of Umayush Multicom Pvt. Ltd. (defendant no. 04), while manipulating land records in connivance with revenue officials. It arose when the District Registrar, Purulia, confirmed on 9th June 2023 and 4th August 2023 that no such auction certificate existed, proving the defendants' claim of ownership was baseless. It arose when the

Sanjay Kumar
Divisional Forest Officer
Bokaro Forest Division, Bokaro

By
P. K. Adh
05/10/24

K. S. Adh
05/10/24

Page 21 of 25

fraudulent transaction was further compounded by Bokaro Steel Plant's earlier correspondence in 1968, wherein they expressed their willingness to return 95.65 acres of forest land, including the suit property, to the forest department. It further arose when the defendant no. 04 in connivance with the officials of Revenue Department got its name entered in the revisional survey record in the year 2022 and is still continuing day to day.

49. The suit is valued for the purpose of jurisdiction and court-fee at Rs.1,00,00,00,000/- (Rupees One Hundred Crores) and the plaintiff is ready to pay the advolarem court fee.
50. That the suit property is located in Bokaro which is within territorial jurisdiction of the learned court. The value of the suit property is Rs.1,00,00,00,000/- (Rupees One Hundred Crores) which is within the pecuniary jurisdiction of your honour's court.
51. That the plaintiff prays for following relief/reliefs:
- On adjudication, it be declared that suit property is a protected forest notified under Section 29 (3) of the Indian Forest Act, 1927.
 - On adjudication, a decree be passed in favour of plaintiff that the plaintiff has the absolute right, title and interest over the suit property and the physical possession of the plaintiff over the suit property is valid and legal and in alternative, if the plaintiff is found dispossessed from the suit property during the pendency of the suit, recovery of possession thereof may be granted in favour of the plaintiff.
 - On adjudication, a decree be passed annulling all the sale deeds and power of attorney executed by and between the

Divisional Forest Officer
Bokaro Forest Division, Bokaro

Divisional Forest Officer
Bokaro Forest Division, Bokaro

By

05/10/24

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defendants with respect to the suit property the details of which are as follows:-

- (I) First Power of Attorney:- Book No. IV. Volume No. 17, Page No. -103 to 112 having Power No. -6341 / 849 dated 07.06.2011;
- (II) Second Power of Attorney:- Book No. IV, Volume No. 4 Page No. 483 to 492 having Power No. 3938/197 dated 30.05.2012 and
- (III) Third Power of Attorney:- Book Number- IV, Volume No. 5, Page No. 577 to 586 having Power No. 258 dated 03.07.2012.
- (IV) Sale Deed No. 733/719 dated 10.02.2021.

(d) On adjudication, a decree declaring that the entry of the name of defendant no. 04 in the final publication of revisional survey records in respect of the suit land is illegal, void, and inoperative and a declaration that the suit land is Gair Abad Malik (Forest Land) and also for issuance of appropriate direction to the revenue authorities to record the suit land as Gair Abad Malik (Forest Land).

(e) On adjudication, a decree of permanent injunction be passed against the defendants, abstaining them from further dealing with the suit property in any manner and disturbing the peaceful possession of the Plaintiff.

(f) A decree may be passed that the sale deed no. 719, dated 10.02.2021 is inoperative, unenforceable and null and void ab-initio as the defendant nos. 01 and 02 had no right to sale the forest land notified u/s 29(3) of Indian Forest Act, 1927.

(g) That cost of suit be awarded to the plaintiff.

(h) Any other relief/reliefs that Your Honour may deem fit and proper.

Reemim Kz
Divisional Forest Officer
Bakhar Forest Division, Bakhar

By
@Kumar
Adh
05/10/24

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05/10/24

SCHEDULE

All piece and parcel of land having total area admeasuring 85.75 acres comprising of Plot No. 426 having area of 30.35 acres (out of total area 40.60 acres) and Plot No. 450 having area of 55.40 acres (out of total area 66.60 acres), situated in Mouza- Tetulia, Thana- Chas, District- Bokaro.

North- Joria Nala

South- Pahad

East- C.S. Plot No. 479, 480, 481, 482 & other plots

West- Sijua Mouza & Vastu Vihar & others

VERIFICATION

I, **RAJNISH KUMAR (IFS)**, Divisional Forest Officer, Bokaro, do hereby verify the statements made in the plaint, contents of which has been explained to me in Hindi as well as English for my understanding and that no part of it is false and nothing material has been concealed therefrom.

Verified at Civil Court, Bokaro on this 5th day of October, 2024.

Rajnish Kumar
Divisional Forest Officer
Bokaro Forest Division, Bokaro

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Rajnish Kumar
05/10/24

Rajnish Kumar
Divisional Forest Officer
Bokaro Forest Division, Bokaro

Rajnish Kumar
05/10/24

05/10/24



AFFIDAVIT

I, **RAJNISH KUMAR (IFS)**, Divisional Forest Officer, Bokaro, aged about- 40 years, S/o Sri. Birendra Prasad Singh, office at Van Bhawan, Purulia Road, P.O. & P.S.-Chas, District- Bokaro, Jharkhand, do hereby solemnly affirm and declare on oath as follows;

1. That, I am the Divisional Forest Officer, Bokaro and competent officer of Forest Department of State Government is filing the instant suit being plaintiff and I am well aware of the facts and circumstances of the suit.
2. That, the statements made in suit have been drafted according to my instruction and the facts of the suit are based on the documents available in the office of Divisional Forest Office, Bokaro.
3. That, as per the records, all the statements made in the foregoing paragraphs of the suit are true and correct and also to the best of my knowledge, information and belief.
4. That, nothing has been concealed in it.

VERIFICATION

The statements made hereinabove are true and correct to the best of my knowledge, information and belief. I signed this affidavit at Bokaro on 05.10.2024.

S.L.No 2 dt 05.10.24 at 11.35 AM
 राजनिश कुमार (IFS) राजनिश कुमार
 विभागाध्यक्ष, डी. फो. राजकुमार
 को विनयी प्रस्ताव की राजकुमार
 अधिकांश में की, धरे वन वनकर बुना की
 प्रमाण दिया गया तथा उक्त प्रमाणिका को
 अंतर किया कि वह सही है।
 05/10/24
 राजनिश कुमार (IFS)
 डी. फो. चस

Rajnish Kumar
 (RAJNISH KUMAR)
 Deponent Divisional Forest Officer
 Bokaro Forest Division, Bokaro

Identified by me

Raj Kumar
 Adv
 05/10/24

Advocate

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत जाँच फार्म -I)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम सूचना रिपोर्ट

(धारा 154 दंड प्रक्रिया संहिता के तहत)

Sum, send it to the
court - concerned.
19.03.24

1. District (जिला): बोकारो P.S. (थाना): सेक्टर 12 Year (वर्ष): 2024
FIR No. (प्र.सू.रि. सं.): 0032 Date and Time of FIR (प्र.सू.रि.की दिनांक और समय): 18/03/2024 21:17बजे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भा दं सं 1860	406
2	भा दं सं 1860	420
3	भा दं सं 1860	467
4	भा दं सं 1860	468
5	भा दं सं 1860	471
6	भा दं सं 1860	120-B
7	भा दं सं 1860	34
8	भारतीय वन अधिनियम, 1927	30
9	भारतीय वन अधिनियम, 1927	63

3. (a) Occurrence of offence (अपराध की घटना):

1. Day (दिन): दरमियानी दिन Date From (दिनांक से): 01/01/2012 Date To (दिनांक तक): 18/03/2024
Time Period (समय अवधि): Time From (समय से): 00:00 बजे Time To (समय तक): 19:30 बजे

(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई):

Date (दिनांक): 18/03/2024 Time (समय): 19:30 बजे

(c) General Diary Reference (रोजनामचा संदर्भ):

Entry No. (प्रविष्टि सं.): 001 Date & Time (दिनांक और समय): 18/03/2024 20:29 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): दक्षिण, 04 किमी Beat No. (बीट सं.):

(b) Address (पता): Office and Residence of the Complainant, Vill Tetuliya, Ps - Sector 12, Bokaro

(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):

Name of P.S. (थाना का नाम):

District(State) (ज़िला (राज्य)):

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत जाँच फार्म -I)

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

(a) Name (नाम): Rudra Pratap Singh

(b) Father's Name (पिता का नाम):

Shree Akhal Niranjan Singh

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1981

(d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.): 414485417651

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की तिथि):

Place of Issue (जारी करने का स्थान):

(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No. (क्र.सं.) Id Type (पहचान पत्र का प्रकार)

Id Number (पहचान संख्या)

(h) Address (पता):

1	वर्तमान पता	Forest Colony Behind Van ,Bhawan, Purulia Road Chas, Ps - Chas , Bokaro , चास, बोकारो, झारखंड, भारत
2	स्थायी पता	Forest Colony Behind Van ,Bhawan, Purulia Road Chas, Ps - Chas , Bokaro , चास, बोकारो, झारखंड, भारत

(i) Occupation (व्यवसाय):

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-7352002456

7. Details of known/suspected/unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या):

S.No. (क्र. सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	Izhar Hussain		पिता का नाम : Sheikh Bada Babu	1. Vill - Ukrid , सेक्टर 12, बोकारो, झारखंड, भारत
2	Akhtar Hussain		पिता का नाम : Sheikh Bada Babu	1. Vill - Ukrid , सेक्टर 12, बोकारो, झारखंड, भारत
3	Shallesh Kumar Singh		पिता का नाम : Vikramditya Singh	1. City Center Sector 4, सेक्टर - 4, बोकारो, झारखंड, भारत
4	Ranganath Singh		पिता का नाम : Not Mentioned	1. Abhimanyu Nagar, chas, चास, बोकारो, झारखंड, भारत
5	J N Singh		पिता का नाम : Not Mentioned	1. Bokaro Steel Plant Colony, बोकारो, झारखंड, भारत
6	Sachindra Prasad Pandey		पिता का नाम : Not Mentioned	1. Bokaro Steel Plant Colony, बोकारो, झारखंड, भारत
7	Satyendra Satyarthi		पिता का नाम : Not Mentioned	1. Bokaro Steel Plant Colony, बोकारो, झारखंड, भारत
8	Madhav Prasad Sinha		पिता का नाम : Not Mentioned	1. Bokaro Steel Plant Colony, बोकारो, झारखंड, भारत
9	R B Singh		पिता का नाम : Not Mentioned	1. Bokaro Steel Plant Colony, बोकारो, झारखंड, भारत

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत जांच फार्म -I)

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of Interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))
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10 Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(रु में):

11 Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)
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12. First Information contents (प्रथम सूचना तथ्य):

आज दिनांक 18/03/2024 थाना दैनिकी सं० 20 समय 18.30 बजे इस समय रूद्र प्रताप सिंह उम्र 43 वर्ष पे० श्री अखिल निरंजन सिंह सा० फोरेस्ट कोलोनी, वन भवन के पीछे पुरुलिया रोड, चास थाना चास जिला बोकारो का कोर्ट परिवाद पत्र संख्या 106/2024 प्राप्त हुआ जिसके आधार पर सेक्टर 12 थाना कांड सं०- 32/2024 दिनांक 18.03.24 धारा 406/420/467/468/471/120(B)/34 एवं 30(c)/63 forest Act विरुद्ध 1. इजहार हुसैन पे० शेख बडा बाबू सा० उकरीद, 2. अख्तर हुसैन पे० शेख बडा बाबू दोनो सा० उकरीद, थाना सेक्टर 12, 3. शैलेश कुमार सिंह पे० श्री विक्रमादित्य सिंह सा० सिटी सेक्टर 4 थाना सेक्टर 4, स्थायी पता रोड नं०- 1 इन्दपुरी, पटना- 14 थाना शास्त्री नगर जिला पटना(बिहार), 4. रंगनाथ सिंह पे० अंकित नहीं सा० अभिमन्यु नगर चास, थाना चास, 5. जे० एन० सिंह पे० अंकित नहीं सा० बोकारो इस्पात संयंत्र कोलोनी थाना अंकित नहीं, 6. सचिन्द्र प्रसाद पाण्डेय पे० अंकित नहीं सा० बोकारो इस्पात संयंत्र कोलोनी थाना अंकित नहीं, 7. सत्येन्द्र सत्यार्थी पे० अंकित नहीं सा० बोकारो इस्पात संयंत्र कोलोनी थाना अंकित नहीं, 8. माधव प्रसाद सिन्हा पे० अंकित नहीं सा० बोकारो इस्पात संयंत्र कोलोनी थाना अंकित नहीं, 9. आर०बी० सिंह पे० अंकित नहीं सा० बोकारो इस्पात संयंत्र कोलोनी थाना अंकित नहीं सभी जिला बोकारो के अंकित कर कांड का अनुसंधानभार पु०अ०नि० दिलीप टुडू को सौंपा।

13 Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है।)

(1) Registered the case and took up the investigation:
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): Dilip Tuddu
Rank (पद):SI (Sub-Inspector)

No.(सं.):1101431 to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or

(3) Refused investigation due to (जांच के लिए):

or (के कारण इंकार किया या)

(4) Transferred to P.S.(थाना):

District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C.(आर. ओ .ए .सी.)

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत जाँच फार्म -I)

Case No.

14 Signature/Thumb impression of the complainant /
Informant. (शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

15 Date and time of dispatch to the court (अदालत में
प्रेषण की दिनांक और समय):

800
18/03/2024

A C M
20.3.24

Signature of Officer in charge, Police
Station (थाना प्रभारी के हस्ताक्षर)

Name Subhash Chandra Singh

Rank I (Inspector)

No.(सं.): 110092915925

5/22

CP 106/24

Action

न्यायालय श्रीमान् मुख्य न्यायिक दण्डाधिकारी, बोकारो

10-3-24

For the dt. 15.03.24, Same

परिवाद पत्र संख्या - 106/2024

You are hereby directed to -
1. To file the application for writ of habeas corpus and for the purpose of the writ of habeas corpus.

प्रभारी वनपाल-सह-वनरक्षी,

न्यायालय शाखा, प्रमण्डलीय कार्यालय,

वन प्रमण्डल, बोकारो, झारखण्ड।

पिता - श्री अलख निरंजन सिंह

साकिम - फोरेस्ट कॉलोनी, वन भवन के पीछे,

पुसलिया रोड, चास, पोस्ट + थाना - चास,

जिला - बोकारो, झारखण्ड।

आधार सं० - 4144 8541 7651

नेबार्डल सं० - 7352002456

परिवादी

बनाम

1. इन्जहार हुसैन,

पिता - शेख बडा बाबू,

साकिम - ग्राम - उकरीद, थाना - सेक्टर 12,

जिला - बोकारो, झारखण्ड।

LR
2A-1-2A

Registered sector 12 P.S case No-32/2024 dt-18/03/2024

Page 1 of 18

U/S-466/420/467/468/471/120(B)/34 I.P.C and 300/63 forest act. S.I. Dilip study with PS investigate

103 case 18/03/2024
P.C sector 12

2022

4em
2023

2. अख्तर हुसैन,

पिता - शेख बडा बाबू,

साकिम - ग्राम - उकरीद, थाना - सेक्टर 12,

जिला - बोकारो, झारखण्ड।

3. शैलेश कुमार सिंह,

पिता - श्री विक्रमादित्य सिंह,

साकिम - सिटी, सेक्टर सेक्टर 4 बी एस सिटी,

थाना - सेक्टर 4, जिला - बोकारो, झारखण्ड।

स्थायी पता - रोड नं० - 1, इन्द्रपुरी, पटना -14

थाना - शास्त्री नगर, जिला - पटना (बिहार)

4. रंगनाथ सिंह,

तत्कालिन हल्का कर्मचारी, चास, बोकारो

पिता - नामालूम

साकिम - अभिमन्यु नगर चास,

पोस्ट + थाना - चास,

जिला - बोकारो, झारखण्ड।

5. जे० एन० सिंह,

तत्कालिन उप महाप्रबंधक, नगर सेवाएँ, बोकारो

बोकारो स्टील प्लांट

पिता - नामालूम,

साकिम - बोकारो इस्पात संयंत्र कॉलोनी,

L. K. Singh

L. K. Singh
2A.1.24

Leena

Aam

20-3-24

जिला - बोकारो, झारखण्ड।

6. सचिन्द्र प्रसाद पाण्डेय,

तत्कालिन वरीय प्रबंधक (मू एवं सम्पदा)

नगर प्रशाखा, बोकारो इस्पात संयंत्र

पिता - नामालूम,

साकिम - बोकारो इस्पात संयंत्र कॉलोनी,

जिला - बोकारो, झारखण्ड।

7. सत्येन्द्र सत्यार्थी,

वरीय प्रबंधक, मू एवं सम्पदा

बोकारो स्टील सिटी

पिता - नामालूम,

साकिम - बोकारो इस्पात संयंत्र कॉलोनी,

जिला - बोकारो, झारखण्ड।

8. माधव प्रसाद सिन्हा,

तत्कालिन उपमहाप्रबंधक (नगर प्रशासन-मूमि)

बोकारो इस्पात संयंत्र

पिता - नामालूम,

साकिम - बोकारो इस्पात संयंत्र कॉलोनी,

जिला - बोकारो, झारखण्ड।

9. आर० बी० सिंह,

तत्कालिन महाप्रबंधक नगर सेवाए,

Rachan Prady Jh

C. J. Handley
2A.1.24

बोकारो स्टील प्लांट

पिता - नामालूम,

साकिम - बोकारो इस्पात संयंत्र कॉलोनी,

जिला - बोकारो, झारखण्ड।

..... अभियुक्तगण

घटना की तिथि व समय - वर्ष 2012 से लगातार आज तक।

घटना स्थल :- परिवादी का कार्यालय एवं निवास स्थान ग्राम - ~~चास~~, पोस्ट -

~~चास~~, थाना - ~~चास~~, जिला - बोकारो के अन्तर्गत।

संभावित धाराएँ :- 406 / 420 / 467 / 468 / 471 / 120(बी) / 34 भा0 द0 वि0 ।

एवं धारा - 30(सी) / 63 फोरेस्ट एक्ट।

गवाहों के नाम एवं पता :-

1. परिवादी स्वयं

2. श्री दुर्योधन महतो,

प्रभारी वनपाल-सह-वनरक्षी,

चास वन परिसर, चास

पिता - करम चन्द्र महतो,

साकिम - वनरक्षी आवास, चास

वन प्रक्षेत्र/कैम्पस, चास, पोस्ट + थाना - चास,

जिला - बोकारो, झारखण्ड।

3. श्री विकास कुमार महतो,

वनरक्षी चास वन परिसर, चास

पिता - स्व. अर्जुन महतो,

साकिम - वनरक्षी आवास, चास

वन प्रक्षेत्र कैम्पस, चास, पोस्ट + थाना - चास,

जिला - बोकारो, झारखण्ड।

4. श्री विनय कुमार,

दैनिक वेतन भोगी अमीन

पिता - स्व० काशी महतो,

साकिम - गोले टोला, छोटकी कोईटांड,

थाना - गोमिया, पोस्ट - हरदियाको,

जिला - बोकारो, झारखण्ड।

तथा कई अन्य गवाह जो वक्त जरूरत पड़ने पर न्यायालय में प्रस्तुत किया जायेगा।

परिवादी का परिवाद संक्षिप्त में इस प्रकार है:-

निवेदनपूर्वक कहना है:-

1. यह कि, परिवादी झारखण्ड सरकार का स्थायी कर्मचारी है तथा वर्तमान में प्रभारी वनपाल-सह-वनरक्षी, न्यायालय शाखा, प्रमण्डलीय कार्यालय, वन प्रमण्डल, बोकारो, झारखण्ड में पद स्थापित है तथा कानून का पालन करने वाला व्यक्ति है एवं श्रीमान के क्षेत्राधिकार में निवास करता है
2. यह कि, अभियुक्त सं० 1, 2, एवं 3 तीनों अभियुक्तगण अपराधिक प्रवृत्ति के गुण-माफिया व्यक्ति हैं तथा घोखाघड़ी एवं कुटरचित दस्तावेज बनाकर

झारखण्ड सरकार की वन भूमि को अभियुक्त सं० 4 से 10 की मदद से जमीन का खरीद बिक्री करते रहते है।

3. यह कि, अभियुक्त सं० 4 सरकारी कर्मचारी रहे है तथा अंचल चास मे हलका कर्मचारी के पद पर पदस्थापित थे। अभियुक्त सं० 5 से 10 सभी वरीय सरकारी कर्मचारी है/रहे है तथा वर्तमान मे बोकारो स्टील प्लांट मे पदस्थापित है/रहे है।

4. यह कि, पूर्व मे मौजा - तेतुलिया, थाना - ~~खान~~, थाना नं० - 38 मे दर्ज जंगल किस्म की भूमि जो **Intermediate Tenure Holder** (1) शालू महतो, पिता - ठाकुर दास महतो, (2) साहेब राम सिंह, पिता कार्तिक सिंह, (3) कान्दु सिंह, (4) मिखारी सिंह, (5) दुखी सिंह, (6) छुटू सिंह सभी के पिता चमटू सिंह एवं (7) राम सिंह पिता - चौद सिंह के दखल मे था, को वर्ष 1947 मे बिहार प्राइवेट फॉरेस्ट एक्ट 1946 की धारा 14 के तहत के तहत अधिसूचना सं०- 4466-VIF-29/47-R दिनांक 24.04.1947 के द्वारा प्राइवेट प्रोटेक्टेड फॉरेस्ट के रूप मे अधिसूचित किया गया था।

वर्ष 1955-56 मे बिहार भूमि सुधार अधिनियम, 1950 के प्रावधान के धनबाद जिला सहित पूरे राज्य मे लागू के परिणाम स्वरूप **Intermediate Tenure Holder** द्वारा धारित सभी भूमि और संपत्ति राज्य मे निहित हो गई। अतः मौजा - तेतुलिया के **Unbroken & unreclaimed** जंगल मुखण्ड, जो जमींदार की संपत्ति थी तथा शालू महतो एवं अन्य के कब्जे मे थी, भी वर्ष 1955-56 मे बिहार भूमि सुधार अधिनियम, 1950 के प्रावधान लागू होने पर राज्य सरकार मे निहित हो गई।

Se

तत्पश्चात वर्ष 1958 में भारतीय वन अधिनियम 1927 की धारा 29 के तहत मौजा - तेतुलिया थाना - चास, थाना नं० - 38 के प्लॉट सं० - 426,450, 554 एवं 479 कुल रकबा - 95.65 एकड़ को अधिसूचना सं० - C/F-17014/58-1429R दिनांक 24.05.1958 द्वारा संरक्षित वन के रूप में अधिसूचित किया गया है।

(अधिसूचनाओं की छाया प्रति अनुलग्नक .01 के रूप में संलग्न)

5. यह कि, पूर्व में बिहार गजट में दिनांक 04.09.1961 को प्रकाशित अधिसूचना सं० DLA-HAZ-112/61-9505-R एवं तत्कालिन सचिव, राजस्व विभाग के पत्रांक A/GL-42123/61-541-R दिनांक 29.01.1962 के आलोक में तत्कालिन घनबाद वन प्रमण्डल (वर्तमान में बोकारो वन प्रमण्डल) द्वारा चास वन प्रक्षेत्र अन्तर्गत 11 मौजाओं के कुल 908.98 एकड़ वनभूमि में हिन्दुस्तान स्टील लिमिटेड (वर्तमान में बोकारो इस्पात संयंत्र, बी.एस.एल) को इस्पात संयंत्र में संलग्न परियोजनाओं एवं टाउनशिप के निर्माण हेतु हस्तांतरित की गई थी, जिसमें मौजा - तेतुलिया भी शामिल था। कतिपय कारणों से बी एस एल द्वारा मात्र 864.21 एकड़ वनभूमि ही प्राप्त किया गया है तथा मात्र - 864.21 एकड़ भूमि के लिए ही जिम्मेवारी ली गयी है। जिसमें मौजा - तेतुलिया का प्लॉट सं० - 426,450, 483, 554 एवं 479 कुल रकबा 95.65 एकड़ वनभूमि भी शामिल था, जो बी एस एल पत्रांक TA/A/02/30(III)-273 दिनांक 11.03.1976 एवं पत्रांक -1642, दिनांक 09.06.2010 से स्पष्ट है।

24.1.2A
Hand Carry

(अधिसूचना सं० DLA-HAZ-112/61-

9505-R, पत्रांक A/GL-42123/61-

541-R दिनांक 29.01.1962, पत्रांक सं०

273 दिनांक 11.03.1976 एवं पत्रांक सं०

- 1642 दिनांक 09.06.2010 की फोटो

कॉपी अनुलग्नक 02 के रूप में संलग्न)

6. यह कि, कालांतर में बोकारो इस्पात संयंत्र द्वारा विभिन्न पत्रों द्वारा मौजा - तेतुलिया, थाना - चास, थाना नं० - 38 के 95.65 एकड़ वनभूमि को वापस करने का अनुरोध किया गया था, परन्तु कतिपय कारणवश उक्त वनभूमि आज तक वन विभाग को वापस नहीं किया गया है। इस प्रकार मौजा तेतुलिया के 95.65 एकड़ वनभूमि अभी भी बी एस एल के अधीन वनभूमि के रूप में है तथा 95.65 एकड़ भूमि का न उपयोग कर रहे हैं और ना ही भूमि वापस किये जाते हुए कि भू-माफिया उक्त भूमि को हस्तांतरित कर गबन कर लिये हैं।

7. यह कि, वर्ष 2012 में अभियुक्त सं० 1 मो० इजहार हुसैन एवं अभियुक्त सं० 2 अख्तर हुसैन ने एक अपराधिक षडयंत्र एवं कुट्टर रचित कागजातों को बना एवं बनवाकर स्वयं को समीर महात उर्फ समीर महतो उर्फ समीरुद्दीन अंसारी पिता मुवन महतो, साकिम उकरीद परंगना खासपेल का पोता/वंशज बताते हुये दावा किया कि मौजा - तेतुलिया थाना - चास, थाना सं० - 38 के प्लॉट सं० - 426 रकबा 40.60 एकड़ एवं प्लॉट सं० - 450 रकबा 86.60 एकड़ भूमि डिप्टी कलेक्टर पुरूलिया द्वारा सर्टिफिकेट नं० -

191/1993 से ऑक्शन प्रोसिडिंग के द्वारा उनके दादा अर्थात् समीर महाल उर्फ समीर महतो उर्फ समीरुद्दीन अंसारी को दिनांक 23.10.1933 को 1551 रूपया मुल्य से प्राप्त है। उक्त ऑक्शन से संबंधित कथित सेल सर्टिफिकेट नं० 191/1993 के कथित सर्टिफाईट कॉपी जो कि डिप्टी रजिस्ट्रार पुरूलिया के कार्यालय द्वारा दिनांक 26.04.2005 को सत्यापित है, के आधार पर अंचल अधिकारी, चास को उक्त भूमि का दाखिल खारिज उनके पक्ष में करने हेतु आवेदन दिया। इस आवेदन के आलोक में दिनांक 15.06.2012 को अंचल अधिकारी, चास ने दाखिल खारिज मुकदमा सं०- 1917 VII सन् 2012-2013 दर्ज करते हुये नामांतरण वाद खोला गया। अंचल अधिकारी इस मामले में तत्कालिन हल्का कर्मचारी अभियुक्त सं० 4 रंगराथ सिंह द्वारा भूमि का जांच प्रतिवेदन समर्पित किया गया। जिसमें अभियुक्त सं० 4 ने अभियुक्त सं० 1, 2 एवं 3 कि भिती भगत से प्रतिवेदित किया कि प्रसंगाधीन भूमि वन सीमा/ भूदान/ भूहदबंदी/ गैर आबाद/ आदिवासी / बी एस एल के अधिग्रहण से बाहर है तत्पश्चात् दिनांक 29.06.2012 को नामांतरण वाद पारित करते हुये शुद्धि पत्र निर्गत किया।

यह कि, दिनांक 29.06.2012 को निर्गत शुद्धि पत्र के आधार पर अभियुक्त सं० 1 इजहार हुसैन एवं अभियुक्त सं० 2 अख्तर हुसैन एवं अभियुक्त सं० 3 शैलेस कुमार सिंह के द्वारा कुट रचित दस्तावेजा की रचना करते हुये विवादित भूमि तेतुलिया मौजा के नाम से जमा बंदी नं० 1665 कि अवैध बिक्री शुरू की गयी। उक्त भूमि में अभियुक्त सं० 4 रंगनाथ सिंह तत्कालिन हल्का कर्मचारी की अपराधिक षडयंत्र जमीन बिक्री में अवैध रूप

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से भूमिका रही और जमाबंदी कायम करने में अभियुक्त सं० 4 के द्वारा समर्पित गलत प्रतिवेदन वनभूमि के अवैध खरीद बिक्री में उनकी संलिप्तता अभियुक्त सं० 1, 2 एवं 3 के साथ होती रही है।

9. यह कि, अभियुक्त सं० 1 हजहार हुसैन एवं अभियुक्त सं० 2 अख्तर हुसैन द्वारा दावा किया जाता है कि मौजा - तेतुलिया, थाना नं० - 38 के प्लॉट सं० - 426 एवं 450 कुल रकबा 103 एकड़ का बंदोबस्ती राज कुमार टिकैत कुंज बिहारी सिंह द्वारा चमटू सिंह के पक्ष में जोत पट्टा सं० - 311, दिनांक 31.12.1993 को दिया गया परन्तु चमटू सिंह के उत्तराधिकारियों द्वारा उक्त भूमि का लगान नहीं दिये जाने के कारण (1) श्री साहेब राम सिंह, पिता कार्तिक सिंह, (2) कान्दु सिंह, (3) मिखारी सिंह, (2) दुखी सिंह, (2) छट्टू सिंह सभी के पिता चमटू सिंह एवं श्री रामसिंह पिता - चोंद सिंह, द्वारा श्री राजकुमार टिकैत मनमोहन सिंह पिता राजकुमार टिकैत कुंजबिहारी सिंह के पक्ष में तथाकथित दलील सं० - 5018 दिनांक 25.11.1933 द्वारा दिनांक 25.11.1933 को इस्तीफा दिया गया। तत्पश्चात् उक्त भूमि को निलागी में समीर महात उर्फ समीर महतो उर्फ समीरुद्दीन अंसारी द्वारा 1551/- रूपया में दिनांक 23.10.1933 को खरीदा गया। उक्त भूमि की खरीदगी के संबंध में डिप्टी कलेक्टर पुरूलिया द्वारा सेल सर्टिफिकेट नं० 191/1993 द्वारा समीर महात उर्फ समीर महतो उर्फ समीरुद्दीन अंसारी के पक्ष में दिनांक 28.11.1933 को सत्यापित किया गया। उपरोक्त सभी दस्तावेज कुट रचना करके बनाया हुआ प्रतीत होता है, क्योंकि बिहार सरकार की अधिसूचना सं० - 4466-VIF-29/47-R दिनांक 28.04.1947 में

जंगल के मालिक के रूप में (1) शालू महतो, पिता - ठाकुर दास महतो, (2) श्री साहेब राम सिंह, पिता कार्तिक सिंह, (3) कान्दु सिंह, (4) मिखारी सिंह, (5) दुखी सिंह, (6) छुटू सिंह सभी के पिता चमटू सिंह एवं (7) राम सिंह पिता - चौद सिंह का उल्लेख है। यदि वर्ष 1993 में प्रश्नगत भूमि का बंदोबस्ती समीर महात उर्फ समीर महतो उर्फ समीरुद्दीन अंसारी के पक्ष में हो गया होता तो 1947 के बिहार सरकार की अधिसूचना में जंगल के मालिक के तौर पर समीर महात उर्फ समीर महतो उर्फ समीरुद्दीन अंसारी का नाम होता, परन्तु ऐसा नहीं है स्पष्ट है कि उपरोक्त वर्णित जोत, पट्टा, इस्तीफा दलील एवं सेल सर्टिफिकेट 191/1933 कुट रचित एवं फर्जी है।

(सेल सर्टिफिकेट 191/1933 कि सत्यापित प्रति की छाया प्रति अनुलग्नक 03 के रूप में संलग्न)

10. यह कि, बी. एस. एल के अधिकारियों के द्वारा (अभियुक्त सं० 5 से 8) ने अंचला अधकारी चास को अपने पत्रांक 1642 दिनांक 09.06.2010 द्वारा मौजा तेतुलिया के 95.65 एकड़ वनभूमि बी एस एल को वन विभाग द्वारा हस्तांतरित किये जाने की सूचना दी गयी थी, जिसे तत्कालिन हल्का कर्मचारी अभियुक्त सं० 4 के द्वारा नजर अंदाज किया गया।
11. यह कि, दिनांक 04/07/2016 को समाचार पत्र में मौजा तेतुलिया के 82 एकड़ वनभूमि का म्युटेशन की खबर समाचार पत्र में प्रकाशित हुई। उक्त खबर के आलोक में वन प्रमण्डल पदाधिकारी, बोकारो ने अपने कार्यालय पत्रांक 2163, दिनांक 04/07/2016 द्वारा अंचल अधिकारी, चास, मौजा

तेतुलिया, थाना नं० - 38 के प्लॉट सं० - 426, 450, 483, 554 एवं 479
कुल रकवा 95.65 एकड़ अधिसूचित वनभूमि होने की सूचना देते हुये
अधिसूचित वनभूमि को गलत तरीके से जमाबंदी को तुरंत प्रभाव को रद्द
करने हेतु पत्र लिखा गया।

(पत्रांक 2163, दिनांक 04/07/2016 की
छायाप्रति अनुलग्नक 04 के रूप में संलग्न)

12. यह कि, उपरोक्त वनभूमि के अवैध जमाबन्दी के जॉच हेतु राजस्व निबंधन एवं भूमि सुधार विभाग, झारखण्ड सरकार के अपर सचिव, राजस्व निधन एवं भूमि सुधार विभाग, झारखण्ड की अध्यक्षता में त्रिसदस्यीय संयुक्त समिति का गठन किया गया। संयुक्त समिति द्वारा पत्रांक 09/आरोप बोकरो-47/2016, 3433/रा० दिनांक 05.06.2016 द्वारा जॉच प्रतिवेदन सरकार को समर्पित किया गया। जॉच समिति द्वारा पाया गया कि खतियानी प्रविष्टि के अनुसार प्रश्नगत भूखण्ड, मौजा - तेतुलिया, थाना नं० - 38, खाता नं० - 59, प्लॉट सं० - 426 एवं 450 रकवा क्रमशः 40.60 एकड़ एवं 60.60 एकड़ गैर मजरूआमालिक किस्म जंगल झाड़ी दर्ज है।

(पत्रांक 09/आरोप बोकरो-47/2016,
3433/रा० दिनांक 05.06.2016 की
छाया प्रति अनुलग्नक 05 के रूप में
संलग्न)

13. यह कि, जॉच दल द्वारा स्थल निरीक्षण कर भूखण्ड का भौतिक सत्यापन भी किया गया और पाया गया कि प्रसंगाधीन सम्पूर्ण भू-भाग पहाड़ की तलहटी

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है और प्रमुखतः पहाडी एवं पथरीली जमीन के रूप में विद्यमान है तथा उक्त भूमि पर अभियुक्त सं० 1 इजहार हुसैन के दखल कब्जे का कोई नामो निशान नहीं पाया गया। समिति द्वारा स्पष्ट रूप से कहा गया है कि विगत 80-85 वर्ष पूर्व सम्पूर्ण भू-भाग सघन वन रहा होगा, जिसके बंदोस्त करने का कोई औचित्य नहीं है।

14. यह कि, परिवारी के विभाग के द्वारा पाया गया कि अभियुक्त सं० 1, एवं 2 की सेल सर्टिफिकेट नं० 191/1933 के कथित सत्यापित प्रति के आधार पर वर्ष 2012 में जमाबंदी सं० - 1665 कायम हुआ था। उक्त सेल सर्टिफिकेट की सत्यापित प्रति उपलब्ध कराने हेतु वन प्रमंडल पदाधिकारी, वन प्रमण्डल, बोकारो द्वारा अपने कार्यालय पत्रांक 1786 दिनांक 29.06.2021 से जिला दण्डाधिकारी, पुरूलिया एवं जिला निबंधक पुरूलिया को पत्र लिखा गया। तब जिला निबंधक पुरूलिया ने अपने कार्यालय ज्ञापांक - 154/DR/PLR दिनांक 13.07.2021 द्वारा सूचित किया गया कि Volume No. -58 जिसमें Deed No.- 191/1933 कि मूल प्रति होनी चाहिये वह कार्यालय से गायब है। इससे उक्त सेल सर्टिफिकेट फर्जी होने का शक और गहरा होने पर वन प्रमण्डल पदाधिकारी, बोकारो वन प्रमण्डल, बोकारो द्वारा पत्रांक 1932 दिनांक 15/07/2021 एवं पत्रांक - 1030 दिनांक 24.04.2023 द्वारा सेल डीड नं० - 191/1933 के कथित सत्यापित जिसे दिनांक 26.04.2005 को उनके कार्यालय से सत्यापित किया गया था। उनकी Genuine होने की जानकारी मांगी गयी। जिला निबंधक, पुरूलिया द्वारा कोई उत्तर नहीं दिये जाने पर वन प्रमण्डल पदाधिकारी, बोकारो वन

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प्रमण्डल ने पत्रांक दिनांक 18/03/2023 द्वारा जिला निबंधक पुरुलिया से सेल सर्टिफिकेट नं० - 191/1933 के सत्यापित प्रति के संबंध में स्पष्ट तरीके से प्रतिवेदन की मांग की गयी। उपरोक्त पत्रों के आलोक में जिला निबंधक, पुरुलिया ने अपने कार्यालय पत्रांक 275/DR/PLR/SF1 दिनांक 09.06.2023 द्वारा सूचित किया कि **"The existence of the document no.- 191/1933 becomes Questionable."**

उक्त के संबंध में जिला दण्डाधिकारी पुरुलिया अपने अपने कार्यालय ज्ञापांक - 59 दिनांक 04/07/2023 द्वारा सूचित किया कि **"After a Prolong searching there is no record presently found in our office till now."**

15. यह कि, जिला निबंधक, पुरुलिया के ज्ञापांक -872, दिनांक 11/11/2011, जिसके द्वारा अवर निरीक्षक, बोकारो एवं श्री विवकानंद महतो, अधिवक्ता पुरुलिया को सेल डीड नं० - 191/1933 के वर्ष 2005 में सत्यापित प्रति निर्गत किये जाने के संबंध में सूचना दी गयी जो निम्नवत है : **Not only the non-existence of original volume No.- 58 but also no other following traces exist like (1) original application for obtaining certified copy (2) Page/portion of the page of respective search registered (W.B. form No. 1543) where the serial and other detail may be found (3) The form No.- 1556 and 1557 for the month of April 2004 and 2005 all of which are required for purpose of issuing certified copy, are found destroyed or not readily available.**

In the circumstance the matter is not free from ambiguity in regard to issuing a certificate genuinity....."

16. यह कि, उपरोक्त से यह प्रतीत होता है कि सेल डीड नं० - 191/1933 की मूल प्रति पुरूलिया के संबंधित कार्यालयों में उपलब्ध नहीं है। साथ ही उक्त सेल डीड का वर्ष 2005 में सत्यापित प्रति प्राप्त करने या सत्यापित प्रति जारी करने का कोई दस्तावेज पुरूलिया के संबंधित कार्यालयों में नहीं है।

(ज्ञापांक 275/DR/PLR/Sf1 दिनांक 09/06/2023 एवं ज्ञापांक 190/DR/PLR/SF1 दिनांक 12/04/2023 एवं 180/DRI/PLR/Sf1 दिनांक 04/08/2023 की छाया प्रति अनुलग्नक 06 के रूप में संलग्न)

17. यह कि, प्रश्नगत भूमि के इस्तीफा (Surrender) के निष्पादन की तिथि 25/11/1933 है परन्तु उक्त भूमि के समीर महात उर्फ समीर महतो उर्फ समीरूद्धीन अंसारी द्वारा नीलामी में खरीद की तिथि 20/10/1933 है जो इस्तीफा देने की तिथि से पूर्व की है जो नियमानुसार संभव नहीं है इससे प्रतीत होता है कि अभियुक्त 1, एवं 2 का सेल सर्टिफिकेट 191/1933 फर्जी है।

(दलील सं० - 5018 दिनांक 25.11.1933 की छाया प्रति अनुलग्नक 07 के रूप में संलग्न)

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18. यह कि, अभिलेख डीड नं० 719, दिनांक 09.02.2021 के अबलोकन से ज्ञात होता है कि अभियुक्त सं० 1 एवं 2 के द्वारा अभियुक्त सं० 3 के पक्ष में तीन मुख्तारनामा निर्गत किया गया है जो निम्न प्रकार से है

1. आम मुख्तारनामा सं० - 6431/849 दिनांक 07.06.2011 पुस्तक सं० VI भोल्युम सं० - 17, पृष्ठ सं० 103 से 112
2. आम मुख्तारनामा सं० - 3938/197 दिनांक 30.05.2012 पुस्तक सं० VI भोल्युम सं० - 04, पृष्ठ सं० 483 से 492
3. आम मुख्तारनामा सं० - 258 दिनांक 03.07.2012 पुस्तक सं० VI भोल्युम सं० - 05, पृष्ठ सं० 577 से 586

19. यह कि प्रथम दो आम मुख्तारनामा अभियुक्त सं० 1 इजहार हुसैन के द्वारा जमा बंदी कायम होने की तिथि अर्थात् 29.06.2012 से पूर्व की है जो विधि सम्मत नहीं है क्योंकि इजहार हुसैन व अख्तर हुसैन द्वारा उनके पक्ष में जमा बंदी कायम होने से पूर्व आम मुख्तारनामा Execute किया गया। इन्ही तीनों मुख्तारनामा के माध्यम से शैलेश कुमार सिंह (अभियुक्त सं० 3) द्वारा उक्त मौजा के वनभूमि को विभिन्न व्यक्तियों को बेचा गया।

(डीड नं० 719 दिनांक 09/02/2021

की छाया प्रति अनुलग्नक 08 के रूप में संलग्न)

20. यह कि, अभियुक्त सं० 3 शैलेश कुमार सिंह द्वारा बिक्रीत केवाला सं० - 1555/2015 दिनांक 03/03/2015 में वन संरक्षक, बोकोरो अंचल बोकारो

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के पत्रांक 552, दिनांक 02/06/2006 द्वारा निर्गत अनापति प्रमाण पत्र संलग्न किया गया जो फर्जी है।

(पत्रांक 552, दिनांक 02/06/2006

की छाया प्रति अनुलग्नक 09 के रूप में संलग्न)

21. यह कि, इजहार हुसैन के पिता - बडा बाबू अंसारी बी एस एल के कर्मचारी थी। बी एस एल के पदाधिकारियों से जान पहचान का फायदा उठाते हुए इन्होंने अपने पिता - समीर महात उर्फ समरुद्दीन अंसारी तथा अपने पुत्र - हजहार हुसैन व अख्तर हुसैन के साथ मिलकर मौजा - तेतुलिया के वनभूमि पर अवैध कब्जे के नियत से कुट रचित दस्तावेज तथा इस कार्य में बी.एस.एल के सभी पदाधिकारियों का सहयोग प्रत्यक्ष एवं परोक्ष रूप में रहने के कारण गलत उपयोग किये।
22. यह कि, मौजा तेतुलिया, थाना चास, थाना नं० - 38 के प्लॉट सं० - 426, 450, 483 554 एवं 479 कुल रकबा बी.एस.एल को हस्तांतरित है जो बी एस एल के द्वारा वन विभाग को वापस नहीं किया गया। अतः उक्त वन भूमि के सुरक्षा की पूर्ण जिम्मेवारी बी एस एल अधिकारियों अभियुक्त सं० 5 से लेकर अभियुक्त सं० 10 तक है। परन्तु अभियुक्त सं० 5 से लेकर अभियुक्त सं० 10 तक के द्वारा उपरोक्त भूमि के सुरक्षार्थ हेतु कोई कार्यवाही की गयी है और ना ही उक्त भूमि को वन विभाग को वापस किया गया। बी एस एल का कहना है कि प्रश्नगत वनभूमि उनके अधीन/सीमांकन में नहीं है तथा उस जमीन से उनका कोई लेना देना नहीं है। उपरोक्त अधिकारीगण अपने

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अपने व्यवसायिक एवं आर्थिक फायदा का लाभ लेते हुये बाकि अन्य अभियुक्त सं० 1, 2, 3 एवं 4 के साथ मिलकर प्रत्यक्ष परोक्ष रूप से अपराधिक षडयंत्र मे शामिल रह कर वन विभाग भूमि वन विभाग को दुरुपयोग कर करोडो की क्षति एवं पर्यावरण को नुकसान कर अपना सभी लोगो ने लाभ लिया।

23. यह कि, तब परिवादी इस बात की लिखित सूचना सेक्टर 12 मे 30/10/2023 को थाना गया लेकिन थाना के द्वारा किसी भी तरह का कोई कार्यवाही अभियुक्तो के विरुद्ध नहीं की गयी।
24. यह कि, परिवादी के द्वारा उच्चाधिकारी के निर्देशानुसार इस मामले मे दिनांक 14.11.2023 को ऑनलाईन एफ.आई.आर दर्ज करायी गयी जिसका कम्पलेन नं० - 653042 है जिसे दर्ज नहीं किया गया। पुनः दिनांक 19/01/2024 को स्वयं परिवादी मिले परन्तु कोई कार्यवाही नहीं कि गयी।
25. यह कि, तब बाध्य होकर परिवादी यह परिवाद पत्र श्रीमान के न्यायालय मे दाखिल कर रहा है।

अतः श्रीमान से नम्र निवेदन है कि उपरोक्त सभी अभियुक्तो के खिलाफ धारा उपर्युक्त धाराओ मे संज्ञान लेकर सभी अभियुक्तो को दंडित किया जाये।

और

इसके लिये परिवादी सदा प्रार्थना करता है।

C. R. ...
24.1.24

Approved
Perinmal

पत्रांक- 9/आरोप बोकारो-47/2016 24.33/रा0

झारखण्ड सरकार,
राजस्व, निबंधन एवं भूमि सुधार विभाग

प्रेषक,

अपर सचिव,
राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड।

सेवा में,

सचिव,
राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड।

विषय:-

बोकारो में सरकारी जमीन का हस्तान्तरण कर पटना के भूमि माफिया शैलेश कुमार सिंह द्वारा भूमि घोटाला कर वन विभाग का 107 एकड़ जमीन तितुलिया मौजा नं0-38 सेक्टर-12, खाता सं0-59, प्लॉट नं0-426/450 जमीन को अंचल अधिकारी निर्मल टोप्पो के साथ षड़यंत्र कर करोड़ों नहीं अरबों रुपये कमाने के संबंध में संयुक्त समिति का जाँच प्रतिवेदन का प्रेषण।

प्रसंग:-

भवदीय आदेश सं0-09/आरोप-47

महाशय,

भवदीय आदेश के अनुपालन में अधोहस्ताक्षरी, संयुक्त सचिव एवं उप सचिव द्वारा सर्वप्रथम अंचल कार्यालय चास पहुँचकर संबंधित अभिलेख एवं दस्तावेजों का अवलोकन किया गया। यद्यपि कि अराजपत्रित कर्मियों की अनिश्चितकालीन हड़ताल के चलते संबंधित मूल अभिलेख एवं पंजी का अवलोकन नहीं किया जा सका, तथापि अंचल अधिकारी, चास द्वारा नामान्तरण वाद अभिलेख एवं संबंधित अन्य दस्तावेजों की छायाप्रति उपलब्ध कराया गया। साथ ही वर्तमान एवं पूर्व हल्का राजस्व कर्मचारी एवं अंचल निरीक्षक से भी इस संबंध में पूछताछ की गयी एवं मूल पंजी-II तथा वर्तमान पंजी-II का भी अवलोकन किया गया। दस्तावेजों के अवलोकन एवं राजस्व कर्मियों से पूछताछ के पश्चात् निम्नांकित तथ्य प्रतिवेदित किये जा रहे हैं :-

1. खतियानी प्रविष्टि के अनुसार प्रश्नगत भू-खण्ड, मौजा-तेतुलिया, थाना नं0-38, खाता नं0-59, प्लॉट नं0-426 एवं 450, रकबा क्रमशः 40.60 एकड़ एवं 66.60 एकड़ गैरमजरूआ मालिक किस्म जंगल-झाड़ी दर्ज है।

2. प्रसंगाधीन भूमि सर्टिफिकेट 2091 नं0 वर्ष 1932/33 में समीर महतो, पिता-श्री भुवन महतो, साकिन-उकरीद, जिला-बोकारो को मो0 एक हजार पाँच सौ इक्यावन रुपये में दिनांक-23.10.33 को नीलाम या बिक्री से प्राप्त होने के कागजात के आधार पर समीर महतो के वंशज इजहार अंसारी एवं अन्य के द्वारा उत्तराधिकारी होने के आधार पर दिये गये दाखिल-खारिज हेतु आवेदन के आलोक में

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अंचल अधिकारी ने अंचल बोकारो, मु० सं०-1317 VII सन 2012-13 दर्ज करते हुए दिनांक-15.06.

2 को नामांतरण (दाखिल-खारिज) वाद खोला (छायाप्रति संलग्न) जिसमें भूमि की विवरणी निम्नप्रकार है :-

मौजा व थाना सं०	खाता सं०	प्लॉट सं०	रकबा (एकड़ में)	लगान
तेतुलिया 38	59 42	426, 472, 450	103	35 रुपये

अंचल अधिकारी ने प्रसंगाधीन मामले में दिनांक-27.06.12 तक हल्का कर्मचारी से प्रतिवेदन प्राप्त करने तथा नामान्तरण के विरुद्ध किसी को आपत्ति हो तो दिनांक-28.06.12 तक आपत्ति की माँग की।

उक्त आदेश के आलोक में तत्कालीन हल्का कर्मचारी श्री रंगनाथ सिंह, हल्का कर्मचारी द्वारा भूमि का जाँच प्रतिवेदन समर्पित किया गया, जिसमें उन्होंने प्रतिवेदित किया कि प्रसंगाधीन भूमि वन सीमा/सैरात/भूदान/भू-हदबंदी/गैर आबाद/आदिवासी/बी०एस० एल० अधिग्रहण से बाहर है।

उक्त जाँच प्रतिवेदन के आधार पर अंचल अधिकारी चास श्री निर्मल टोप्पो ने आवेदक इजहार हुसैन व अख्तर हुसैन पिता-शेख बड़ा बाबू उर्फ बड़ा बाबू अंसारी के नाम से उक्त नामान्तरण वाद में नामान्तरण आदेश दिनांक-29.06.2012 को पारित किया तथा शुद्धि पत्र निर्गत किया। उक्त शुद्धि पत्र के आधार पर मो० इजहार वो अख्तर हुसैन, पिता-शेख बड़ा बाबू उर्फ बड़ा बाबू अंसारी, सा०-तेतुलिया के नाम से जमाबंदी नं०-70 से जमाबंदी नं०-1665 के रूप में दर्ज हुआ। तब से इजहार अंसारी ने भू-माफियाओं से एकरारनामा कर उक्त भूमि बिक्री करने का सिलसिला शुरू किया है।

3. उक्त भूमि की जाँच से स्पष्ट हुआ कि उक्त मौजा एवं थाना के खतियान में गैरमजरूआ जंगल-झाड़ी वर्ष 1932 के खतियान में प्रविष्ट है। वर्ष 1933 में सर्टिफिकेट सेल से भूमि हासिल होने संबंधी दस्तावेज, जिसका अवलोकन किया गया सही प्रतीत नहीं होता है। क्योंकि जिस जमीन का लगान अदा नहीं किया जाता है वही भूमि नीलाम होती है। यानी वर्ष 1932 के पूर्व उक्त भूमि किसी की रैयती रही होगी, जिसका लगान नहीं देने की स्थिति में ही नीलाम की जा सकती थी। 1932 के खतियान में गैरमजरूआ खास जंगल-झाड़ी दर्ज होने पर रैयत द्वारा निश्चित रूप से सर्वे सेटलमेन्ट की संगत धाराओं के अन्तर्गत त्रुटि निराकरण हेतु सक्षम न्यायालय की शरण लिया गया होता। जाँच के दौरान 1932 के पूर्व रैयती भूमि होने की बात प्रकाश में नहीं आई। इस प्रकार वर्ष 1933 में नीलाम बिक्री (नीलाम सेल) से समीर महतो पे० भुवन महतो, सा० उकरीद परगना खास पेस जिला-बोकारो को भूमि प्राप्ति का आधार एक जाल-साजी के सिवाय और कुछ नहीं प्रतीत होता है।

4. जमीन्दारी उन्मूलन के पश्चात् भूमि सरकार (राज्य) में निहित हो गयी अतएव वर्ष 1955-56 में भूतपूर्व जमींदार द्वारा रिटर्न दाखिल किया जाना अपेक्षित था, जिसके आधार पर पंजी-II में जमाबंदी खोली जाती, परन्तु, ऐसा नहीं किया गया है। मूल पंजी-II में समीर महतो पिता-भुवन महतो के नाम

12/27

से प्रविष्टि है। उक्त जमाबंदी में जमाबंदी खोलने वाले सक्षम प्राधिकार के कॉलम में किसी पदाधिकारी का हस्ताक्षर नहीं है बल्कि, "अंचल अधिकारी के आदेशानुसार जमाबंदी दर्ज किया गया" अंकित कर किसी गैर सक्षम व्यक्ति का हस्ताक्षर कर दिया गया है। जमाबंदी खोलने का जिक्र है परन्तु उक्त में वाद संख्या एवं आदेश की तिथि अंकित नहीं है। उक्त जमाबन्दी नं.-70 कूट कर्म किया गया प्रतीत होता है। प्रविष्टि भी बॉल प्वायन्ट पेन से की गयी है, जबकि वर्ष 1962 में बाल प्वायन्ट पेन का प्रचलन नहीं था। हस्ताक्षर के नीचे अंकित तिथि अंग्रेजी अंकों में है, जबकि अन्य सारी प्रविष्टियाँ हिन्दी अंकों में है। (उक्त मूल पंजी-II से संबंधित पृष्ठ की छायाप्रति संलग्न)।

5. जाँच के दौरान वन विभाग की ओर से सहायक वन संरक्षक उपस्थित थे। उन्होंने प्रसंगाधीन तेलुलिया मौजे के खाता संख्या-59, प्लॉट संख्या-426 एवं 450 जो इसमें सम्मिलित है, को दिनांक-9.7.1958 को प्रकाशित बिहार गजट में "Protected Forest" के रूप में दर्ज है, से संबंधित कागजात प्रस्तुत किया। परन्तु वन विभाग के पदाधिकारियों ने कभी भी उक्त वन भूमि की घेरा अथवा Trench कटिंग से घेराबन्दी करने में दिलचस्पी नहीं दिखाई और न ही पर्यावरण स्वच्छ रखने को दृष्टिपथ में रखते हुए वृक्षारोपण करने का ही प्रयास किया। वन विभाग के पदाधिकारियों को इतनी महत्वपूर्ण भूमि की सुरक्षा के प्रति सजग रहकर झारखण्ड में वनों का घनत्व बढ़ाने के दिशा में प्रयासरत रहना चाहिए था परन्तु ऐसा नहीं किया गया।

6. जाँच के समय अवर निबंधक, चास भी उपस्थित थे। जब उनसे पूछा गया कि जब उन्हें सरकारी भूमि की सूची से सत्यापन कर निबंधन करने का विभाग का निदेश है तो फिर कैसे सरकारी वन भूमि का निबंधन हो रहा है ? इस पर उनके द्वारा सूची पुरानी होने का तर्क दिया गया।

7. दिनांक-26.06.2012 को अंचल कार्यालय, चास (बोकारो) द्वारा निर्गत एक प्रमाण-पत्र के अवलोकन से प्रतीत होता है कि अंचल अधिकारी द्वारा नीलाम सर्टिफिकेट के आधार पर बन्दोबस्त की गयी तथाकथित भूमि का प्रमाण-पत्र निर्गत किया गया है। प्रमाण-पत्र निर्गत करना वह भी राज्य से बाहर पुरुलिया (प. बंगाल) में निबंधित दस्तावेज के विधिवत सत्यापन के बिना और बिना किसी विधिक प्राधिकार के या सक्षम पदाधिकारी के आदेश का, नियमानुकूल प्रतीत नहीं होता है। यही नहीं उक्त प्रमाण-पत्र उस दौरान निर्गत किया गया, जब इजहार हुसैन एवं अख्तर हुसैन द्वारा दाखिल-खारिज हेतु आवेदन समर्पित किया जा चुका था एवं नामान्तरण वाद अभिलेख की कार्रवाई प्रक्रियाधीन थी। यहाँ यह उल्लेखनीय है कि नामान्तरण स्वीकृति (दिनांक-29.06.12) के पूर्व अर्थात् दिनांक-26.06.12 को उक्त प्रमाण-पत्र निर्गत कर दिया गया। (प्रमाण पत्र की छायाप्रति संलग्न)

हालांकि अंचल कार्यालय के कर्मियों के हड़ताल पर रहने के चलते संबंधित अभिलेख या पंजी का अवलोकन नहीं किया जा सका।

8. अंचल अधिकारी को प्रश्नगत भू-भाग का दाखिल-खारिज स्वीकृत करने के दौरान माननीय सर्वोच्च न्यायालय द्वारा उदघोषित प्रसिद्ध न्याय निर्णय-T.N. Godavarman बनाम् Union of India




11/6/6

(1997) को संज्ञान में रखना चाहिये था, जिसके द्वारा स्पष्ट रूप से निदेशित किया गया है कि -"The term forest land occurring in Section-2 will not only include forest as understood in the dictionary sense but also any area recorded as forest in the Government record irrespective of ownership" जबकि नामान्तरण की गयी जमीन खतियान में इन्द्राज के अनुसार गैरमजरूआ खास किस्म जंगल झाड़ी दर्ज है एवं वन भूमि वह भी "Protected Forest" के रूप में 1958 में ही अधिसूचित है। उल्लेखनीय है कि ऐसे भू-भाग पर गैरवानिकी कार्य सर्वथा वर्जित है।

स्पष्ट है कि इसकी अनदेखी की गयी है। ज्ञातव्य है कि दाखिल-खारिज के मामलों की स्वीकृति में दखल-कब्जा एक अहम बिन्दु है, परन्तु स्थल निरीक्षण से स्पष्ट हुआ है कि आवेदक का प्रश्नगत भू-खण्ड पर दखल-कब्जा या जोत आबाद का कोई चिन्ह ही नहीं है।

जाँच दल द्वारा स्थल निरीक्षण कर भू-खण्ड का भौतिक सत्यापन भी किया गया और पाया गया कि प्रसंगाधीन सम्पूर्ण भू-भाग पहाड़ की तलहटी है और अभी प्रमुखतः पहाड़ी एवं पथरीली जमीन के रूप में विद्यमान है (स्थल के कुछेक फोटो साक्ष्य स्वरूप संलग्न)।

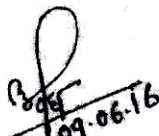
जहाँ तक उक्त भूमि पर आवेदक के दखल कब्जे की बात है, तो स्पष्टतः पाया गया कि दखल का और वह भी वर्ष 1933 से ही कोई नामो निशान नहीं है। हाँ यह दृष्टिगोचर हुआ कि हाल के दिनों में कुछेक चहारदिवारी का निर्माण कराया गया है जो संलग्न फोटोग्राफ से स्पष्ट है।


वर्ष 1933 से जोत-आबाद एवं दखल के बिन्दु पर स्पष्टतया कहा जा सकता है कि विगत 80-85 वर्ष पूर्व सम्पूर्ण भू-भाग सघन वन रहा होगा, जिसे बंदोबस्त करने का कोई औचित्य ही नहीं है।


उपर्युक्त तथ्यों से स्पष्ट होता है कि राजस्व एवं वन विभाग के पदाधिकारियों/कर्मियों के द्वारा कर्तव्य निर्वहन में चूक हुई है तथा सरकारी भूमि के संरक्षण के प्रति इनके द्वारा उदासीनता बरती गयी है।

जाँच प्रतिवेदन सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

विश्वासभाजन


(अवध नारायण प्रसाद)
सरकार के उप सचिव
राजस्व, निबंधन एवं भूमि सुधार
विभाग, झारखण्ड, राँची


(उदय प्रताप)
सरकार के संयुक्त सचिव
राजस्व, निबंधन एवं भूमि सुधार
विभाग, झारखण्ड, राँची


(धर्मन्द्र पाण्डेय)
सरकार के अपर सचिव
राजस्व, निबंधन एवं भूमि सुधार
विभाग, झारखण्ड, राँची



झारखण्ड सरकार

कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग, झारखण्ड, राँची

संकल्प

RANCHI, दिनांक-04/05/2018

संख्या-5/आरोप-1-79/2016-309 (HRMS)/ श्री निर्मल कुमार टोप्पो, झा0प्र0से0 (कोटि क्रमांक-659/03), तत्कालीन अंचल अधिकारी, चास, बोकारो, संप्रति-निलंबित के विरुद्ध सरकार द्वारा निम्नवत निर्णय लिए गए हैं:

Sr No.	Employee Name G.P.F. No.	Decision of the Competent authority
1	2	3
1	NIRMAL KUMAR TOPPO 223929	श्री निर्मल कुमार टोप्पो को सरकारी सेवा से बर्खास्त किया जाता है.

विवरण:

श्री निर्मल कुमार टोप्पो, झा0प्र0से0 (कोटि क्रमांक-659/03), तत्कालीन अंचल अधिकारी, चास, बोकारो, संप्रति-निलंबित के विरुद्ध उपायुक्त, बोकारो के जापांक-2070/गो0, दिनांक-05.07.2016 द्वारा प्रपत्र-‘क’ में आरोप गठित कर उपलब्ध कराया गया, जिसमें इनके विरुद्ध निम्नवत् आरोप प्रतिवेदित किये गये हैं-

आरोप सं0-1. बोकारो जिला के चास अंचल के मौजा तेतुलिया, थाना नं0-38, थाना सेक्टर-12, खाता नं0-59, प्लॉट नं0-426/450, कुल रकबा 103 एकड़ साविक सर्वे खतियान मुताबिक गैर मजरूआ खास किस्म जंगल साल के रूप में दर्ज है। वर्ष 1958 में प्रश्नगत भूमि को प्रोटेक्टेड फारेस्ट के रूप में अधिसूचित किया गया है। आरोप है कि इस भूमि के राजस्व अभिलेखों के जाँच-पड़ताल किये बिना एवं अधिसूचित वन भूमि का गलत ढंग से उत्तराधिकारी नामान्तरण कर दिया गया। वर्ष 1997 में माननीय उच्चतम न्यायालय द्वारा पारित न्यायादेश, जिसमें खतियान में जंगल-झाड़ी के रूप में दर्ज भूमि को वन भूमि घोषित किया गया है, की अनदेखी कर माननीय उच्चतम न्यायालय द्वारा पारित आदेश का उल्लंघन किया गया है। उत्तराधिकारी नामान्तरण के पश्चात् लगान रसीद निर्गत करने का आदेश निर्गत करना एवं इसके पश्चात् भूमि की खरीद-बिक्री के उपरांत पुनः 7 व्यक्तियों के नाम से दाखिल खारिज करने, सरकारी एवं राजस्व हितों के प्रतिकूल कार्य किये जाने का आरोप है। आरोप सं0-2. आरोप है कि उत्तराधिकारी नामान्तरण की प्रक्रिया दिनांक 15.06.2012 को प्रारंभ हुई। इसी बीच दिनांक 26.06.2012 को अनियमित रूप से व्यक्ति विशेष को लाभ पहुँचाने के उद्देश्य से प्रमाण पत्र निर्गत किया गया है, जो किसी भी दृष्टिकोण से विधिसम्मत नहीं है। इस प्रकार का प्रमाण पत्र अवैधानिक एवं अनियमित है, क्योंकि जो प्रमाण पत्र निर्गत किया गया है उसका आधार पुरूलिया अवर निबंधक कार्यालय से संबंधित है। बिना अभिलेख की जांच किए एवं बगैर सत्यापन के इस प्रकार का प्रमाण पत्र निर्गत करना राजस्व कार्य में स्वेच्छाचारिता एवं मनमानापन को दर्शाता है। इस प्रकार का कृत्य सरकार एवं राजस्व हितों के प्रतिकूल है।

आरोप सं0-3. आयुक्त, उत्तरी छोटानागपुर प्रमंडल, हजारीबाग के पत्रांक 234/आ.गो0, दिनांक 08.06.2012 द्वारा निर्गत निदेश, जो सरकारी भूमि के अवैध हस्तांतरण/जमाबंदी को रोकने के संबंध में दी गई है एवं इसकी प्रति अपर समाहर्ता, बोकारो द्वारा जापांक 1205/रा0, दिनांक 23.06.2012 द्वारा सभी अंचल अधिकारी को दी गई है। आरोप है कि वरीय पदाधिकारी द्वारा निर्गत स्पष्ट निदेश के बावजूद भी वन भूमि का दाखिल खारिज किया गया है। यह कृत्य सरासर वरीय पदाधिकारियों के निदेश की अवहेलना, सरकारी एवं राजस्व हितों के प्रतिकूल है।

2. उक्त आरोपों हेतु विभागीय संकल्प संख्या-9986, दिनांक 25.11.2016 द्वारा श्री टोप्पो के विरुद्ध विभागीय कार्यवाही संचालित की गयी, जिसमें श्री विनोद चन्द्र झा, सेवानिवृत्त भा0प्र0से0, विभागीय जाँच पदाधिकारी, झारखण्ड को संचालन पदाधिकारी नियुक्त किया गया।

3. पुनः, श्री टोप्पो के विरुद्ध अंचल अधिकारी, ठेठईटांगर, सिमडेगा के अधिसूचित पद पर अनधिकृत रूप से अनुपस्थित रहने संबंधी आरोपों को विभाग द्वारा पूरक प्रपत्र- 'क' में गठित किया गया, जो निम्नवत् है-

“(क) राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड, राँची के पत्रांक 5765/रा0, दिनांक 31.10.2016 द्वारा प्रतिवेदित किया गया है कि श्री निर्मल कुमार टोप्पो, अधिसूचित अंचल अधिकारी, ठेठईटांगर, सिमडेगा का स्थानांतरण विभागीय अधिसूचना सं0-1870, दिनांक 04.05.2016 द्वारा अंचल अधिकारी, चास, बोकारो से स्थानांतरित करते हुए अंचल अधिकारी ठेठईटांगर, सिमडेगा के पद पर पदस्थापित किया गया है। श्री टोप्पो अंचल अधिकारी, चास बोकारो के पद से विरमित हो चुके हैं परन्तु इन्होंने अभी तक अंचल अधिकारी, ठेठईटांगर सिमडेगा के पद पर योगदान नहीं किया है। वर्तमान में श्री टोप्पो कहाँ है-इसकी जानकारी विभाग को प्राप्त नहीं है।

(ख) श्री टोप्पो बिना सूचना एवं अनुमति के अनधिकृत रूप से अनुपस्थित है।

(ग) श्री टोप्पो का यह कृत्य सरकारी सेवक आचार नियमावली के नियम-3 के प्रावधानों के प्रतिकूल है।”

4. उक्त पूरक प्रपत्र-‘क’ को विभागीय पत्रांक-139, दिनांक 06.01.2017 द्वारा श्री विनोद चन्द्र झा, सेवानिवृत्त भा0प्र0से0, विभागीय जाँच पदाधिकारी, झारखण्ड को श्री टोप्पो के विरुद्ध संचालित विभागीय कार्यवाही में सम्मिलित कर समेकित जाँच प्रतिवेदन उपलब्ध कराने हेतु अनुरोध किया गया।

5. संचालन पदाधिकारी के पत्रांक-169, दिनांक 13.06.2017 द्वारा उपलब्ध कराये गये जाँच प्रतिवेदन में उक्त प्रपत्र-‘क’ एवं पूरक प्रपत्र-‘क’ में प्रतिवेदित आरोपों को प्रमाणित पाया गया।

6. श्री टोप्पो के विरुद्ध प्रतिवेदित आरोप, इनके बचाव बयान एवं संचालन पदाधिकारी से प्राप्त जाँच प्रतिवेदन की समीक्षा की गयी। समीक्षोपरांत संचालन पदाधिकारी के जाँच प्रतिवेदन से सहमत होते हुए प्रमाणित आरोपों हेतु झारखण्ड सरकारी सेवक (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 2016 के नियम-14(xi) के तहत सरकारी सेवा से बर्खास्त करने के बिन्दु पर विभागीय पत्रांक-10716, दिनांक 17.10.2017 द्वारा श्री टोप्पो से द्वितीय कारण पृच्छा की माँग की गयी।

7. श्री टोप्पो से द्वितीय कारण पृच्छा का उत्तर अप्राप्त रहने पर अंतिम अवसर देते हुए दिनांक 26.11.2017 को प्रेस विज्ञप्ति के माध्यम से 7 दिनों के भीतर द्वितीय कारण पृच्छा का उत्तर अंतिम रूप से समर्पित करने का निदेश किया गया तथा यह भी सूचित किया गया कि उत्तर अप्राप्त रहने पर यह समझा जायेगा कि इस संबंध में आपको कुछ नहीं कहना है तथा विभाग द्वारा एकपक्षीय निर्णय ले लिया जायेगा। फिर भी इनका उत्तर अप्राप्त रहा।

8. इस प्रकार श्री टोप्पो को युक्तियुक्त अवसर दिये जाने के बावजूद द्वितीय कारण पृच्छा का उत्तर अप्राप्त रहने के कारण झारखण्ड सरकारी सेवक (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 2016 के नियम-14(xi) के तहत सरकारी सेवा से बर्खास्त करने का निर्णय लिया गया।

9. उक्त निर्णय के आलोक में विभागीय पत्रांक-424, दिनांक 15.01.2018 एवं अनुवर्ती स्मार पत्रांक-1426, दिनांक 22.02.2018 द्वारा झारखण्ड लोक सेवा आयोग, झारखण्ड, राँची से श्री टोप्पो को सरकारी सेवा से बर्खास्त किये जाने के संबंध में सहमति की माँग की गयी।

10. झारखण्ड लोक सेवा आयोग, झारखण्ड, राँची के पत्रांक-650, दिनांक 13.03.2018 द्वारा श्री टोप्पो को सरकारी सेवा से बर्खास्त करने संबंधी दण्ड अधिरोपित करने पर सहमति प्रदान की गयी है।

11. दिनांक-18.04.2018 को हुई मंत्रिपरिषद् की बैठक में श्री टोप्पो को सरकारी सेवा से बर्खास्त करने श्री टोप्पो को सरकारी सेवा से बर्खास्त करने संबंधी दण्ड अधिरोपित करने के प्रस्ताव पर स्वीकृति प्रदान की गयी।

12. अतः श्री टोप्पो को झारखण्ड सरकारी सेवक (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 2016 के नियम-14(xi) के तहत सरकारी सेवा से बर्खास्त किया जाता है।

झारखण्ड राज्यपाल के आदेश से,

(सूर्य प्रकाश)

सरकार के संयुक्त सचिव
जीपीएफ संख्या: BHR/BAS/2502

जापांक-5/आरोप-1-79/2016-309 (HRMS)/RANCHI

दिनांक-04/05/2018

प्रतिलिपि- नोडल पदाधिकारी, ई-गज़ट, कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग, झारखण्ड, राँची/राज्यपाल, झारखण्ड के प्रधान सचिव/मुख्यमंत्री, झारखण्ड के प्रधान सचिव/मुख्य सचिव कोषांग, झारखण्ड, राँची/विभागीय अपर मुख्य सचिव कोषांग/प्रधान सचिव, योजना-सह-वित्त विभाग, झारखण्ड, राँची/सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड, राँची/महालेखाकार, झारखण्ड, राँची/प्रमंडलीय आयुक्त, उत्तरी छोटानागपुर प्रमंडल, हजारीबाग/उपायुक्त, बोकारो/सचिव, झारखण्ड लोक सेवा आयोग, राँची/उप सचिव, वित्त (वै0दा0नि0 कोषांग) विभाग, झारखण्ड, राँची/कोषागार पदाधिकारी, जिला कोषागार, बोकारो/श्री निर्मल कुमार टोप्पो, झा० प्र० से०, सम्प्रति-निलंबित, मुख्यालय-प्रमंडलीय आयुक्त का कार्यालय, दक्षिणी छोटानागपुर प्रमंडल, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।



सरकार के संयुक्त सचिव

जापांक-5/आरोप-1-79/2016-309 (HRMS)/RANCHI

दिनांक-04/05/2018

प्रतिलिपि- विभागीय अवर सचिव, प्रभारी प्रशाखा-3 एवं 4/ विभागीय अवर सचिव, प्रभारी प्रशाखा-6/प्रशाखा पदाधिकारी, प्रशाखा-5 को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।



सरकार के संयुक्त सचिव

Prepared By:- SHRI SATYAM BHARDWAJ - (110093431070)



झारखण्ड सरकार

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झारखण्ड खनिज क्षेत्र विकास प्राधिकार, कार्यालय, धनबाद।

लुबी सर्कुलर रोड, हीरापुर धनबाद 826001

E-mail Id- mdmada22@gmail.com

पत्रांक... नं. नि. वि. 08/2023-59

दिनांक:- 10/02/2024

प्रेषक,

प्रबन्ध निदेशक

झारखण्ड खनिज क्षेत्र विकास प्राधिकार,
धनबाद।

सेवा में,

उपायुक्त,
बोकारो।

विषय:

बोकारो जिला के तेतुलिया मौजा न0-38 अन्तर्गत खाता न0-59 के विभिन्न प्लॉटों पर निर्माण के सम्बन्ध में नक्शा स्वीकृति हेतु प्राप्त आवेदन।

प्रसंग:-

माननीय झारखण्ड उच्च न्यायालय, राँची द्वारा WP(c) No-593/2017 में पारित न्याय निर्णय के क्रम में पारित अन्यान्य न्यायादेश।

महाशय,

Umaayush Multicon Pvt. Ltd. की ओर से ऑनलाईन आवेदन संख्या- MADA/LP/0333/2023 के तहत मौजा-तेतुलिया मौजा न0-38 अन्तर्गत पुराना खाता न0-59, प्लॉट न0-426 एवं 450/नया खाता न0-158, प्लॉट न0-1263 एवं 1287 में विकास एवं निर्माण संबंधी नक्शा स्वीकृति हेतु प्रस्तुत आवेदन तथा माननीय न्यायालय द्वारा पारित विभिन्न न्यायादेश की प्रति संलग्न कर भेजते हुए अनुरोध है कि कृपया WP(C) No-593/2017 में दिनांक- 14.06.2018 को पारित न्यायादेश के अंतिम कंडिका संख्या-18 में निहित मार्गदर्शन एवं L.P.A No-786/2018, Cont. Case Civil No.-2014/2021 तथा सर्वोच्च न्यायालय द्वारा S.L.P No-8108/2021 में पारित न्यायादेश दिनांक-06.07.2021 से माननीय उच्च न्यायालय के मार्गदर्शन को परिवर्तित करने में हस्तक्षेप से इंकार करने के पश्चात् सक्षम दीवानी न्यायालय में सरकार की ओर से दाखिल किये जाने वाले स्वत्व वाद से संबंधित अद्यतन स्थिति से 15 दिनों के अन्दर अवगत कराने की कृपा की जाय ताकि वास्तविकता के आधार पर नक्शा स्वीकृति के बिन्दु पर नियमसंगत निर्णय लिया जा सके।

अनु0:- यथोक्त।

विश्वासभाजन

प्रबन्ध निदेशक

झारखण्ड खनिज क्षेत्र विकास प्राधिकार,
धनबाद।

बोकारो/धनबाद

987
29/02/24

उपायुक्त-सह-जिला दण्डाधिकारी का कार्यालय बोकारो।

(विधि शाखा)

पत्रांक...../विधि

प्रेषक,

प्रभारी पदाधिकारी,
विधि शाखा, बोकारो।

सेवा में,

वन प्रमण्डल पदाधिकारी,
बोकारो।

बोकारो, दिनांक..-...../...../2024

विषय :- बोकारो जिला के तेतुलिया मौजा नं0-38 अन्तर्गत खाता नं0-59 के विभिन्न प्लॉटों पर निर्माण के संबंध में नक्शा स्वीकृति हेतु प्राप्त आवेदन के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में प्रबन्ध निदेशक, झारखण्ड खनिज क्षेत्र विकास प्राधिकार, धनबाद के पत्रांक-59, दिनांक-10.02.2024 की छायाप्रति संलग्न कर भेजते हुए अनुरोध है कि पत्र में वर्णित तथ्यों के आलोक में नियमानुसार आवश्यक कार्रवाई करने की कृपा की जाय एवं तत्संबंधी प्रतिवेदन उपायुक्त महोदया के अवलोकनार्थ इस कार्यालय को उपलब्ध कराने की कृपा की जाय।

कृपया इसे अत्यावश्यक समझा जाय।

अनुलग्नक:- यथोक्त।

विश्वासभाजन



प्रभारी पदाधिकारी,
विधि शाखा, बोकारो।


ज्ञापांक:-...../विधि, दिनांक:-...../...../2024

प्रतिलिपि:- अंचल अधिकारी, चास को उक्त पत्र की प्रति के साथ सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि:- प्रबन्ध निदेशक, झारखण्ड खनिज क्षेत्र विकास प्राधिकार, धनबाद को उनके पत्रांक-59, दिनांक-10.02.2024 के प्रसंग में सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित। अनुरोध है कि वन प्रमण्डल पदाधिकारी, बोकारो से सम्पर्क स्थापित करते हुए आवश्यक कार्रवाई करने की कृपा की जाय।

प्रतिलिपि:- अपर समाहर्ता, बोकारो को सूचनार्थ एवं आवश्यक कार्रवाई हेतु समर्पित।

प्रतिलिपि:- उपायुक्त, बोकारो को सादर सूचनार्थ समर्पित।


प्रभारी पदाधिकारी,
विधि शाखा, बोकारो।

उपायुक्त-सह-जिला दण्डाधिकारी का कार्यालय बोकारो।

(विधि शाखा)

पत्रांक...543/विधि

प्रेषक,

उपायुक्त,
बोकारो।

सेवा में,

वन प्रमण्डल पदाधिकारी,
बोकारो।

बोकारो, दिनांक-...15/04/2024

विषय :- बोकारो जिला के तेतुलिया मौजा नं0-38 अन्तर्गत खाता नं0-59 के विभिन्न प्लॉटों पर निर्माण के संबंध में नक्शा स्वीकृति हेतु प्राप्त आवेदन के संबंध में।

प्रसंग :- आपका पत्रांक-564, दिनांक-16.03.2024।

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के संबंध में कहना है कि प्रबन्ध निदेशक, झारखण्ड खनिज क्षेत्र विकास प्राधिकार, धनबाद के पत्रांक-न0नि0वि0 08/2023-59, दिनांक-10.02.2024 के क्रम में विषयाधीन भूमि पर वन विभाग द्वारा स्वामित्व को लेकर यदि कोई Civil Title Suit किसी न्यायालय में दायर किया गया है, एवं यदि कोई अतिक्रमण वाद शुरू किया गया है, तो इस संबंध में प्रतिवेदन दो दिनों के अन्दर में समर्पित करने की कृपा की जाय।

इसे अत्यावश्यक समझा जाय।

अनुलग्नक:- यथोक्त।

विश्वासभाजन



उपायुक्त,
बोकारो।



झारखण्ड सरकार

झारखण्ड खनिज क्षेत्र विकास प्राधिकार, कार्यालय, धनबाद।

लुबी सर्कुलर रोड, हीरापुर धनबाद 826001

E-mail Id- mdmada22@gmail.com

पत्रांक... नं. नि. वि. 08/2023-59

दिनांक:- 10/02/2024

प्रेषक,

प्रबन्ध निदेशक

झारखण्ड खनिज क्षेत्र विकास प्राधिकार,
धनबाद।

सेवा में,

उपायुक्त,
बोकारो।

विषय:

बोकारो जिला के तेतुलिया मौजा न0- 38 अन्तर्गत खाता न0-59 के विभिन्न प्लॉटों पर निर्माण के सम्बन्ध में नक्शा स्वीकृति हेतु प्राप्त आवेदन।

प्रसंग:-

माननीय झारखण्ड उच्च न्यायालय, राँची द्वारा WP(c) No- 593/2017 में पारित न्याय निर्णय के क्रम में पारित अन्यान्य न्यायादेश।

महाशय,

Umaayush Multicon Pvt. Ltd. की ओर से ऑनलाईन आवेदन संख्या- MADA/LP/0333/2023 के तहत मौजा-तेतुलिया मौजा न0-38 अन्तर्गत पुराना खाता न0-59, प्लॉट न0-426 एवं 450/नया खाता न0-158, प्लॉट न0-1263 एवं 1287 में विकास एवं निर्माण संबंधी नक्शा स्वीकृति हेतु प्रस्तुत आवेदन तथा माननीय न्यायालय द्वारा पारित विभिन्न न्यायादेश की प्रति संलग्न कर भेजते हुए अनुरोध है कि कृपया WP(C) No- 593/2017 में दिनांक- 14.06.2018 को पारित न्यायादेश के अंतिम कंडिका संख्या-18 में निहित मार्गदर्शन एवं L.P.A No- 786/2018, Cont. Case Civil No.-2014/2021 तथा सर्वोच्च न्यायालय द्वारा S.L.P No- 8108/2021 में पारित न्यायादेश दिनांक-06.07.2021 से माननीय उच्च न्यायालय के मार्गदर्शन को परिवर्तित करने में हस्तक्षेप से इंकार करने के पश्चात् सक्षम दीवानी न्यायालय में सरकार की ओर से दाखिल किये जाने वाले स्वत्व वाद से संबंधित अद्यतन स्थिति से 15 दिनों के अन्दर अवगत कराने की कृपा की जाय ताकि वास्तविकता के आधार पर नक्शा स्वीकृति के बिन्दु पर नियमसंगत निर्णय लिया जा सके।

अनु0:- यथोक्त।

विश्वासभाजन

प्रबन्ध निदेशक

झारखण्ड खनिज क्षेत्र विकास प्राधिकार,
धनबाद।

बोकारो/21224

987
29/02/24



कार्यालय :- वन प्रमण्डल पदाधिकारी, बोकारो वन प्रमण्डल, बोकारो।

BLOCK-A, VAN BHAWAN, PURULIA ROAD, CHAS, BOKARO-827013

E-mail : dfo-bokaro@gov.in & bokarodfo@gmail.com

Phone/Fax No : +91-6542-265142

पत्रांक :- 828

दिनांक :- 29/04/2024

सेवा में,

उमायुश मल्टीकॉम प्रा0 लिमिटेड,
निदेशक ललन सिंह, पिता-स्व0 चन्द्र देव सिंह,
स्थायी पता-
Indrapuri, Rajabazar, New Capital, Patna, Pin-800014
वर्तमान पता-
ग्राम-तेतुलिया, थाना-सेक्टर-12,
जिला-बोकारो।

विषय :- बोकारो जिला के तेतुलिया मौजा नं0-38 अन्तर्गत खाता नं0-59 के विभिन्न प्लॉटों पर निर्माण के संबंध में नक्शा स्वीकृति हेतु प्राप्त आवेदन।

महाशय,

उपर्युक्त विषय के संबंध में सूचित करना है कि झारखण्ड खनिज क्षेत्र विकास प्राधिकार, कार्यालय, धनबाद का पत्रांक-न0नि0वि0 08/2023-59 दिनांक-10.02.2024 द्वारा मौजा-तेतुलिया, मौजा नं0-38 अन्तर्गत पुराना खाता नां0-59, प्लॉट नं0-426 एवं 450 पर विकास एवं निर्माण संबंधी नक्शा स्वीकृति हेतु अनुरोध किया गया है। आवेदक द्वारा माननीय उच्च न्यायालय के आदेश WP (C) No.-593/2017 में दिनांक-14.06.2018 को पारित आदेश के अंतिम कंडिका सं0-18 तथा LPA No.-786/2018 में पारित आदेश का वर्णन किया गया है।

माननीय उच्च न्यायालय के आदेश सं0-593/2017 दिनांक-14.06.2018 को पारित आदेश के Sl. No.-8 में कहा गया कि-

"On bare reading of section 4(h) of Act, 1950, it would be evident that the Collector has been empowered to make enquiry as to whether the transfer of the land has been made after 01.01.1946 with an object of defeating the provisions of the Act, 1950 or for causing loss to the State or for obtaining higher compensation and after giving reasonable opportunity to the parties, the said authority may pass an order of annulment of transfer and dispossession of a person. No finding has been recorded by the learned court below as to whether the transfer was made after 01.01.1946 with the object of defeating any provisions of the Act, 1950 or causing loss to the State or obtaining higher compensation which is the prime purpose for cancellation of settlement as prescribed under section 4(h) of the Act, 1950. Thus, I am of the view that the learned court below has exceeded its jurisdiction while passing the impugned order."

अतः उक्त के अनुसार अपर समाहर्ता, बोकारो के द्वारा जो जमाबंदी Bihar Land Reform Act, 1950 की धारा 4(h) के तहत रद्द कर दी गई थी, उस आदेश को माननीय उच्च न्यायालय द्वारा खारिज कर दिया गया है। माननीय उच्च न्यायालय के आदेश के अवलोकन से यह भी स्पष्ट होता है कि माननीय उच्च न्यायालय का उक्त आदेश जमाबंदी रद्द करने से संबंधित है एवं ऐसा कहीं नहीं कहा गया है कि उक्त भूमि पर गैर-वानिकी कार्य करने में Forest Conservation Act, 1980 लागू नहीं होगा।

उक्त जमीन का Nature Gair Abad Mulk (जंगल-झाड़ी)/Notified Forest होने के कारण वन संरक्षण अधिनियम, 1980 **Irrespective of Ownership** लागू है। Irrespective of Ownership के संबंध में कहना है कि FC Act लागू होने के लिए जरूरी नहीं है कि वनभूमि का स्वामित्व वन विभाग का ही हो। माननीय उच्चतम न्यायालय के द्वारा T.N. Godavarman Case में दिनांक-12.12.1996 में दिये गये आदेश के अनुसार-

"It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the 'Act') and the meaning of the word "forest" used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and fore matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof."

जहाँ तक जमाबंदी/मालिकाना हक इत्यादि का मामला है, वो विवादस्पद हो सकता है। इस संबंध में माननीय उच्च न्यायालय के उक्त आदेश का Sl. No. (9) एवं Sl. No. (16) दृष्टव्य है। इस संबंध में विषयगत तथ्यों से वरीय पदाधिकारियों को अवगत कराया गया है तथा प्राप्त दिशा-निर्देशानुसार इस कार्यालय द्वारा अग्रेत्तर कार्रवाई की जा रही है। लेकिन जहाँ तक वन संरक्षण अधिनियम, 1980 [Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980] लागू होने की बात है, वह सभी प्रकार के वनों पर लागू है क्योंकि माननीय सर्वोच्च न्यायालय के आदेश के अनुसार उसपर Ownership का कोई फर्क नहीं पड़ता है।

राज्य सरकार द्वारा गठित त्रिस्तरीय समिति (राज्य सरकार के पत्रांक-2501 दिनांक-12.06.2013 द्वारा गठित) के जाँच प्रतिवेदन में स्पष्ट उल्लेख है कि:-

"नामांतरण की गई जमीन खतियान में इन्द्राज के अनुसार गैर-मजरूआ खास किस्म जंगल-झाड़ी दर्ज है एवं वनभूमि वह भी Protected Forest के रूप में 1958 में ही अधिसूचित है। उल्लेखनीय है कि ऐसे भूमि पर गैर वानिकी कार्य सर्वथा वर्जित है।"

इस संबंध में यह कहना है कि मौजा-तेतुलिया, थाना-चास, थाना नं०-38, प्लॉट सं०-426, 450, 483, 334 एवं 474, रकवा-95.65 एकड़ अधिसूचित वन के रूप वर्ष 1958 में अधिसूचना सं०-C/F-17014/58-1429-R दिनांक-24.05.1958 द्वारा घोषित किया गया था। तत्पश्चात् बिहार गजट में प्रकाशित अधिसूचना सं०-DLA-Hax-112/61-9505-R दिनांक-04.09.1961 तथा सचिव राजस्व विभाग, बिहार सरकार के पत्रांक-A/GL-42123/61-541-R दिनांक-29.01.1962 के आलोक में मे० हिन्दुस्तान स्टील लिमिटेड (अब बोकारो इस्पात संयंत्र) को दिनांक-24.05.1962 में धनबाद वन प्रमण्डल, धनबाद द्वारा 11 मौजाओं में कुल-908.98 एकड़ भूमि हस्तांतरित की गई थी परन्तु BSL द्वारा शुद्ध रूप से कुल 10 मौजाओं के 864.21 एकड़ वनभूमि प्राप्त किया था, जिसमें मौजा-तेतुलिया के प्लॉट सं०-426, 450,

483, 334 एवं 474, रकवा-95.65 एकड़ वनभूमि भी शामिल था। BSL द्वारा सूचित किया गया है कि तेतुलिया प्लॉट पर उनके द्वारा उपयोग नहीं किया गया है। अतः उस Notified Forest का स्वरूप **Unbroken Forest Land** रहा।

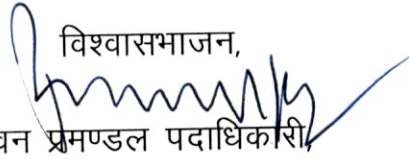
वन संरक्षण अधिनियम, 1980 [Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980] के अनुसार वनभूमि पर गैर-वानिकी कार्य अर्थात् निर्माण एवं विकास कार्य के लिए भारत सरकार की पूर्वानुमति आवश्यक है। अतः अधिसूचित वनभूमि मौजा-तेतुलिया, मौजा न0-38 अन्तर्गत पुराना खाता नां0-59, प्लॉट नं0-426 एवं 450 पर गैर वानिकी कार्य हेतु नक्शा की स्वीकृति देने हेतु भारत सरकार ही सक्षम है। भारत सरकार की पूर्वानुमति के बिना वनभूमि पर सड़क निर्माण, भवन निर्माण, खनन या अन्य गैर-वानिकी कार्य किया जाना Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 का उल्लंघन है।

भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्रांक-11/113/2022-FC-Part(1) दिनांक-15.05.2023 के द्वारा भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के उक्त पत्रांक द्वारा वन प्रमण्डल पदाधिकारी को Forest Conservation Act के Violation की स्थिति में कार्रवाई करने के लिए निम्नवत् निर्देश दिया गया है-

"Based on the recommendation of the Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby authorizes officers of the rank of Divisional Forest Officer (DFO)/Deputy Conservator of Forests (DCF) and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offense under the Forest (Conservation) Act, 1980 is committed or violation of the provisions of the said Act has been made, to file complaints against such person/authority/organization, prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter."

भारत सरकार से वनभूमि/गैर मजरूआ जंगल झाड़ी पर गैर वानिकी-कार्य करने की अनुमति प्राप्त करने हेतु वन संरक्षण अधिनियम, 1980 [Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980] के तहत प्रस्ताव समर्पित किया जाना आवश्यक है। उक्त हेतु भारत सरकार द्वारा जारी किया गया पोर्टल E-Parivesh Portal पर जाकर Online application दे सकते हैं। भारत सरकार के पूर्वानुमति के बिना अगर वहाँ पर गैर-वानिकी कार्य करते हैं तो भविष्य में आप पर भारत सरकार द्वारा 5 गुना Penalty लगाया जा सकता है। ज्ञातव्य हो कि मे0 इलेक्ट्रोस्टील स्टील्स लिमिटेड द्वारा वनभूमि के अतिक्रमण कर फैक्ट्री का निर्माण किये जाने के आलोक में भारत सरकार द्वारा अतिक्रमित भूमि के विरुद्ध 1:1 CA land देने के साथ-साथ Penal क्षतिपूरक वनरोपण हेतु 1:5 (अर्थात् जितना अतिक्रमण करते हैं उसका 5 गुना गैर वनभूमि) का भी शर्त लगाया गया है तथा NPV का भी 5 गुना Penalty लगाया गया है। ज्ञातव्य हो कि भारत सरकार द्वारा माननीय NGT द्वारा और माननीय उच्चतम न्यायालय द्वारा सख्त आदेश समय-समय पर पारित किया जाता है।

अतः आपसे अनुरोध होगा की वन संरक्षण अधिनियम, 1980 [Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980] का उल्लंघन ना करते हुए वहाँ पर बिना भारत सरकार की अनुमति की गैर-वानिकी कार्य ना करें।

विश्वासभाजन,

 वन प्रमण्डल पदाधिकारी,
 बोकारो वन प्रमण्डल, बोकारो।



कार्यालय :- वन प्रमण्डल पदाधिकारी, बोकारो वन प्रमण्डल, बोकारो।

BLOCK-A, VAN BHAWAN, PURULIA ROAD, CHAS, BOKARO-827013

E-mail : dfo-bokaro@gov.in & bokarodfo@gmail.com

Phone/Fax No : +91-6542-265142

पत्रांक :- 771

दिनांक :- 23/04/2024

सेवा में,

प्रबन्ध निदेशक,
झारखण्ड खनिज क्षेत्र विकास प्राधिकरण
धनबाद।

विषय :- बोकारो जिला के तेतुलिया मौजा नं०-38 अन्तर्गत खाता नं०-59 के विभिन्न प्लॉटों पर निर्माण के संबंध में नक्शा स्वीकृति हेतु प्राप्त आवेदन।

प्रसंग :- 1. आपका पत्रांक-59 दिनांक-10.02.2024
2. उपायुक्त, बोकारो का पत्रांक-357 दिनांक-06.03.2024 एवं पत्रांक-543/विधि दिनांक-15.04.2024

महाशया,

उपर्युक्त विषयक प्रसंगाधीन पत्र के आलोक में सूचित करना है कि वर्ष 1958 में मौजा-तेतुलिया, थाना-चास, थाना नं०-38, पुलिस थाना-Sec-XII के प्लॉट सं०-426, 450, 483, 334 एवं 474 रकवा-95.65 एकड़ बिहार गजट में प्रकाशित अधिसूचना सं०- C/F-17014/58-1429-R दिनांक-24.05.1958 द्वारा अधिसूचित वन के रूप में घोषित है।

अधिसूचना सं०-DLA-Haz-112/61-9505-R दिनांक-04.09.1961 तथा सचिव राजस्व विभाग, बिहार सरकार के पत्रांक-A/GL-42123/61-541-R दिनांक-29.01.1962 के आलोक में मे० हिन्दुस्तान स्टील लिमिटेड (अब बोकारो इस्पात संयंत्र) को दिनांक-24.05.1962 में धनबाद वन प्रमण्डल, धनबाद द्वारा 11 मौजाओं में कुल-908.98 एकड़ भूमि हस्तांतरित की गई थी, परन्तु BSL द्वारा शुद्ध रूप से कुल 10 मौजाओं के 864.21 एकड़ वनभूमि प्राप्त किया था, जिसमें मौजा-तेतुलिया के प्लॉट सं०-426, 450, 483, 334 एवं 474, रकवा-95.65 एकड़ वनभूमि भी शामिल था। इसकी पुष्टि बोकारो इस्पात संयंत्र के पत्रांक Town Services/TA/Land/2010-1642 दिनांक-09.06.2010 से भी होती है। सुलभ संकेत हेतु पत्रांक Town Services/TA/Land/2010-1642 दिनांक-09.06.2010 की छायाप्रति अनुलग्नक-01 के रूप में संलग्न है। उक्त से स्पष्ट है कि प्रश्नगत वनभूमि का स्वरूप 2010 तक unbroken forest land रही है।

कालांतर में प्रश्नगत वनभूमि का कुट रचित दस्तावेजों (तथाकथित Auction Sale Deed No.-191/1933) के आधार पर इजहार हुसैन एवं अख्तर हुसैन के पक्ष में अंचल कार्यालय,

चास द्वारा जमाबंदी कायम कर दी गई थी जिसे उपायुक्त, बोकारो द्वारा Misc (4h) case no. 110 of 2016-17 में दिनांक 09.09.2016 को पारित आदेश द्वारा रद्द कर दिया गया था। जमाबंदी खारिज किये जाने के विरुद्ध इजहार हुसैन द्वारा माननीय झारखण्ड उच्च न्यायालय में W.P (C) No.- 593 of 2017 दायर किया गया था जिसमें वन विभाग को प्रतिवादी नहीं बनाया गया था। इस वाद में दिनांक 14.06.2016 को पारित आदेश द्वारा उपायुक्त द्वारा प्रश्नगत भूमि का जमाबंदी रद्द करने के आदेश को निरस्त कर दिया गया। इस आदेश के विरुद्ध राज्य सरकार द्वारा माननीय झारखण्ड उच्च न्यायालय में LPA No.- 786 of 2018 दायर किया गया था जिसे माननीय झारखण्ड उच्च न्यायालय द्वारा रद्द कर दिया गया। LPA No.- 786 of 2018 में पारित आदेश के विरुद्ध राजस्व विभाग द्वारा माननीय सर्वोच्च न्यायालय में दायर SLP को भी माननीय सर्वोच्च न्यायालय द्वारा रद्द कर दिया गया। विदित हो कि उपरोक्त सभी वादों में वन विभाग को प्रतिवादी नहीं बनाया गया था।

प्रधान मुख्य वन संरक्षक, झारखण्ड राँची के कार्यालय ज्ञापांक 20(विधि)02-16/2021-2497 दिनांक 11.11.2022 तथा विभागीय पत्रांक 2603 दिनांक 05.09.2022 द्वारा बोकारो इस्पात संयंत्र के सक्षम प्राधिकार से समन्वय स्थापित कर प्रश्नगत भूमि पर Title Suit दायर करने का प्राप्त निदेश प्राप्त के आलोक में मो0 इकबाल अंसारी, विद्वान सरकारी अधिवक्ता, व्यवहार न्यायालय, बोकारो से इस कार्यालय के पत्रांक 3278 दिनांक 22.11.2022 द्वारा विधि परामर्श की मांग की गई। विद्वान सरकारी अधिवक्ता ने अपने पत्रांक 173/2022 दिनांक 01.12.2022 द्वारा दिये गये विधि परामर्श में कहा है कि

"आपके पत्रांक के अनुसार प्रधान मुख्य वन संरक्षक, झारखण्ड राँची के कार्यालय ज्ञापांक 20 (विधि)02-16/2021-2497 दिनांक 11.11.2022 द्वारा मौजा तेतुलिया के उपरोक्त प्लॉट पर वन विभाग द्वारा स्वामित्व हेतु दीवानी मुकदमा दायर करने का निदेश प्राप्त है। परन्तु उक्त वनभूमि को वन प्रमण्डल पदाधिकारी, धनबाद वन प्रमण्डल, धनबाद के पत्रांक-1401 दिनांक-29.05.1962 के माध्यम से बोकारो इस्पात संयंत्र को हस्तांतरित कर दिया गया है जिसपर बोकारो इस्पात संयंत्र का दखल कब्जा है।

अतः बोकारो इस्पात संयंत्र द्वारा माननीय सिविल न्यायालय, बोकारो में इजहार हुसैन के विरुद्ध उक्त वनभूमि के स्वामित्व हेतु दावा दायर करना विधि सम्मत होगा।"

सुलभ संकेत हेतु विधि परामर्श की छायाप्रति अनु0-2 के रूप में संलग्न है।

विद्वान सरकारी अधिवक्ता से प्राप्त विधि परामर्श के आलोक में पत्रांक-3378 दिनांक-07.12.2022 द्वारा निदेशक प्रभारी, बोकारो इस्पात संयंत्र को प्रश्नगत भूमि पर Title Suit दायर का अनुरोध किया गया । पुनः इस कार्यालय के पत्रांक-3629 दिनांक-29.12.2022 द्वारा निदेशक प्रभारी, बोकारो इस्पात संयंत्र को प्रश्नगत भूमि पर Title Suit दायर का अनुरोध किया गया तथा इस कार्यालय में उन्हें अपेक्षित सहयोग हेतु सहायक वन संरक्षक, बोकारो वन प्रमण्डल को निदेशित किया गया। सुलभ संकेत हेतु दोनों पत्रों की छायाप्रति अनु0-3 के रूप में संलग्न है। परन्तु बोकारो इस्पात संयंत्र द्वारा अपने कार्यालय पत्रांक-GM(TA)/LRA/2023-1136 दिनांक-28.02.2023 द्वारा इस कार्यालय को सूचित किया गया है कि

"मौजा तेतुलिया, थाना चास थाना नं०-38, रकवा-95.65 एकड़ वनभूमि के मामले में सेल बोकारो स्टीन प्लांट द्वारा संपदा न्यायालय बोकारो में न तो बेदखली का मुकदमा दायर किया जा सकता है न ही इसके सुरक्षार्थ व्यवहार न्यायालय बोकारो में Title Suit दायर किया जा सकता है। "

BSL द्वारा Title Suit दायर नहीं किये जाने के तथ्यों से प्रधान सचिव वन, पर्यावरण एवं जलवायु परिवर्तन, झारखंड सरकार को अवगत कराया गया है। प्रधान सचिव वन, पर्यावरण एवं जलवायु परिवर्तन, झारखंड सरकार द्वारा विषयगत मामले में दिनांक-03.04.2024 को आहुत बैठक में वन प्रमण्डल पदाधिकारी, बोकारो को Title Suit दायर करने का निर्देश दिया गया है। अतः उक्त के आलोक में Title Suit दायर करने कार्रवाई इस कार्यालय के द्वारा की जा रही है।

माननीय उच्च न्यायालय के आदेश सं०-593/2017 दिनांक-14.06.2018 को पारित आदेश के Sl. No.-8 में कहा गया कि-

"On bare reading of section 4(h) of Act, 1950, it would be evident that the Collector has been empowered to make enquiry as to whether the transfer of the land has been made after 01.01.1946 with an object of defeating the provisions of the Act, 1950 or for causing loss to the State or for obtaining higher compensation and after giving reasonable opportunity to the parties, the said authority may pass an order of annulment of transfer and dispossession of a person. No finding has been recorded by the learned court below as to whether the transfer was made after 01.01.1946 with the object of defeating any provisions of the Act, 1950 or causing loss to the State or obtaining higher compensation which is the prime purpose for cancellation of settlement as prescribed under section 4(h) of the Act, 1950. Thus, I am of the view that the learned court below has exceeded its jurisdiction while passing the impugned order."



अतः उक्त के अनुसार अपर समाहर्ता, बोकारो के द्वारा जो जमाबंदी Bihar Land Reform Act, 1950 की धारा 4(h) के तहत रद्द कर दी गई थी, उस आदेश को माननीय उच्च न्यायालय द्वारा खारिज कर दिया गया है। माननीय उच्च न्यायालय के आदेश के अवलोकन से यह भी स्पष्ट होता है कि माननीय उच्च न्यायालय का उक्त आदेश जमाबंदी रद्द करने से संबंधित है एवं ऐसा कहीं नहीं कहा गया है कि उक्त भूमि पर गैर-वानिकी कार्य करने में Forest Conservation Act, 1980 लागू नहीं होगा। उक्त आदेश में Sl. No.-16 में कहा गया है कि –

“In view of the provisions contained in Section 2 of the Forest Conservation Act, 1980 and the judgment of the Hon’ble Supreme Court rendered in the case of T. Godavarman (Supra.), it is abundantly clear that Section 2 of the Act, 1980 is applicable to the government as well as the private forest land, so as to check/restrict deforestation which ultimately results in ecological imbalance. The term ‘Forest’ will not only mean forest as understood in the dictionary sense but will also include the land recorded as forest in the government record irrespective of its ownership. Thus, the purpose of Section 2 of the Forest Conservation Act, 1980 is to check deforestation irrespective of the fact that the land is owned by the government or by the private person. Nevertheless, the provisions of Section 2 of the Forest Conservation Act, 1980 or the judgment of the Hon’ble Supreme court rendered in the case of T. Godavarman (Supra.) cannot be applied by the respondent authorities for cancellation of Jamabandi much less the long running one.”

जहाँ तक जमाबंदी / मालिकाना हक इत्यादि का मामला है, वो विवादस्पद हो सकता है। इस संबंध में माननीय उच्च न्यायालय के उक्त आदेश का Sl. No. (9) एवं Sl. No. (16) दृष्टव्य है। इस संबंध में विषयगत तथ्यों से वरीय पदाधिकारियों को अवगत कराया गया है तथा प्राप्त दिशा-निर्देशानुसार इस कार्यालय द्वारा अग्रेत्तर कार्रवाई की जा रही है।

राज्य सरकार द्वारा गठित त्रिस्तरीय समिति (राज्य सरकार के पत्रांक-2501 दिनांक-12.06.2013 द्वारा गठित) के जाँच प्रतिवेदन में स्पष्ट उल्लेख है कि:-

“नामांतरण की गई जमीन खतियान में इन्द्राज के अनुसार गैर-मजरूआ खास किस्म जंगल-झाड़ी दर्ज है एवं वनभूमि वह भी Protected Forest के रूप में 1958 में ही अधिसूचित है। उल्लेखनीय है कि ऐसे भूमि पर गैर वानिकी कार्य सर्वथा वर्जित है।”

उक्त जमीन का Nature Gair Abad Mulk (जंगल-झाड़ी) / Notified Forest होने के कारण वन संरक्षण अधिनियम, 1980 Irrespective of Ownership लागू है। Irrespective of Ownership के संबंध में कहना है कि FC Act लागू होने के लिए जरूरी नहीं है कि वनभूमि का स्वामित्व वन विभाग का ही हो। माननीय उच्चतम न्यायालय के द्वारा T.N. Godavarman Case में दिनांक-12.12.1996 में दिये गये आदेश के अनुसार-

"It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the 'Act') and the meaning of the word "forest" used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and fore matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof."

वन संरक्षण अधिनियम, 1980 [Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980] के अनुसार वनभूमि पर गैर-वानिकी कार्य अर्थात् निर्माण एवं विकास कार्य के लिए भारत सरकार की पूर्वानुमति आवश्यक है। अतः अधिसूचित मौजा-तेतुलिया, मौजा न०-38 अन्तर्गत पुराना खाता नां०-59, प्लॉट नं०-426 एवं 450 पर गैर वानिकी कार्य हेतु नक्शा की स्वीकृति देने हेतु भारत सरकार ही सक्षम है। भारत सरकार की पूर्वानुमति के बिना वनभूमि पर सड़क निर्माण, भवन निर्माण, खनन या अन्य गैर-वानिकी कार्य की अनुमति दिया जाना Forest Conservation Act का उल्लंघन है एवं ऐसे गैर-वानिकी कार्य की अनुमति देने वाले **Government Authority** एवं **Department** के विरुद्ध कार्रवाई किये जाने की प्रक्रिया Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023 के 3(B) में वर्णित है। सुलभ संकेत हेतु Act की प्रति संलग्न है।

3(B) के अनुसार **Offences by the Authorities and Government Departments-**



(1) Where any offence under this Act has been committed –

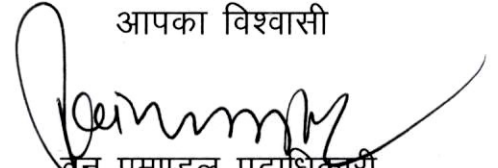
(a) by any department of Government, the head of the department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly

अतः अनुरोध है कि Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 का उल्लंघन नहीं हो, इसके लिए अपने स्तर से अग्रोत्तर कार्रवाई की जाय।

आपका विश्वासी



वन प्रमण्डल पदाधिकारी,
बोकारो वन प्रमण्डल, बोकारो।



Office of Regional Chief Conservator of Forests, Bokaro

VAN BHAWAN, PURULIA ROAD, CHAS, BOKARO - 827013

☎ : - 06542-265440

Email – rccf-bokaro@gov.in/bokarorccf@gmail.com

Letter No. 1966

Date :- 28/10/2024

To,

Mr. Ashutosh Anand,
Addl. Advocate General-III
Jharkhand High Court, Ranchi.

Subject :- Cont. (C) No. 9709 of 2024 (filing) : (Umayush Multicom Private Limited vs The State of Jharkhand and ors.)

Ref. :- Your letter dated 24.10.2024

Sir,

Kind attention is invited to the above Subject and reference cited. In this regard It is informed that we would not like to withdraw the letter dated 23.4.2024 and the letter dated 29.4.2024 issued by the Respondent No.2 for the following reasons.

1. It is submitted that the said letters are in accordance with the provisions of Forest Conservation Act, 1980, the order dated 12.12.96 of orders of Honble Supreme Court of India in the matter of WP (C) 202/1995 and also as per the observations made by the Honble Court of Jharkhand in its order dated 5.11.2020 in LPA No. 786/2018 in the instant matter, and no contempt of the orders of Hon'ble High Court has been committed..
2. That the land involved is a recorded forest land and attracts provisions of Forest Conservation Act 1980 irrespective of its ownership, and the forest department in the impugned letters has not disputed *jamabandi* at all.

It is therefore to request you to kindly do the needful to apprise the Hon'ble High Court about the above position, and to draw the attention of this Hon'ble Court to the detailed show cause reply that has already been filed earlier.

Yours Sincerely,



Regional Chief Conservator of Forests,
Bokaro

Memo no. 1966

Dated 28/10/2024

1. Copy to Principal Chief conservator of Forest, Jharkand, Conservator of forest Bokaro and Divisional forest officer Bokaro for information and necessary action.



Regional Chief Conservator of Forests,
Bokaro

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Contempt Case (Civil) No. 956 of 2024

Umaayush Multicom Private Limited, through one of its Directors, Shri Lalan SinghPetitioner

Versus

The State of Jharkhand through the Secretary, Department of Forest, Environment & Climate Change, Govt. of Jharkhand & Others
.....Opposite parties

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Mr. Vimal Kirti Singh, Advocate
M/s. Ujjal Choudhary, Ripumardan Shahi, Srikant Swaroop, Advocates

For the Opposite parties : Mr. Ashutosh Anand, AAG-III
Mr. Sahbaj Akhtar, A.C to AAG-III

04/ Dated: 28.10.2024

This contempt petition has been filed alleging that the opposite party no. 2 had issued two letters dated 23.04.2024 and 29.04.2024 in gross violation of the judgment dated 14.06.2018 in W.P.(C) No. 593 of 2017 passed by the learned Single Judge, which was upheld in L.P.A. No. 786 of 2018 on 05.11.2020 and also affirmed by Hon'ble Supreme Court in S.L.P. No. 8108 of 2021 on 06.07.2021.

2. When the matter was listed on the previous date i.e., 24.10.2024, this Court, after hearing the counsel for the parties, agreed prima facie with the petitioner's contention and asked the opposite party no. 2 to consider withdrawing the said letters and posted the matter today.

3. Today, the opposite party no.2 produced a letter dated 28.10.2024 from the Regional Chief Conservator of Forests, Bokaro, under whom he works, stating that the letters dated 23.04.2024 and 29.04.2024 issued by the opposite party no.2 cannot be withdrawn by giving certain reasons.

4. This act of Regional Chief Conservator of Forests, Bokaro also, prima facie amounts to contempt. Therefore, the Regional Chief Conservator of Forests, Bokaro is also *suo motu* impleaded as opposite party no. 4 in this contempt case.

5. Issue notice to the said opposite party to show cause why the proceeding of contempt shall not be initiated against him for issuing the said letter dated 28.10.2024.

6. List this case on 03.12.2024.

7. The contempt case against the opposite party no. 2 is admitted.

8. Issue notice in Form I under Rule 393 of High Court of Jharkhand Rules, 2001 to opposite party no. 2, who shall appear In Person on the next date of hearing i.e., 03.12.2024.

(M. S. Ramachandra Rao, C.J)

(Deepak Roshan, J.)

jk/Vedanti