

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 4514 of 2011

Chhoto Murmu, son of Late Bipan Murmu, resident of Sindurpur, P.O. & P.S. Masalia, District Dumka Petitioner

Versus

1. The State of Jharkhand
 2. The Deputy Commissioner, Dumka, having its office at + P.O. Dumka, P.S. Dumka, District Dumka
 3. The Sub Divisional Officer, Dumka, having its office at + P.O. Dumka, P.S. Dumka, District Dumka
 4. The Circle Officer, Masalia, P.O. & P.S. Masalia, District Dumka
 5. Sonamuni Murmu, daughter of Late Pitho Murmu and wife of Govind Kisku, resident of Village Sindurpur, P.O. & P.S. Masalia, District Dumka
 6. Murmin Murmu, son of Late Johan Murmu
 7. Munshi Murmu, son of Late Chandu Murmu
 8. Tikat Murmu, son of Late Munshi Murmu
- Respondent nos.6 – 8 are resident of Village Sindurpur, P.O. & P.S. Masalia, District Dumka
9. 16 Anna Raiyats of Mouza Sindurpur, P.O. & P.S. Masalia, District Dumka
- Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Durga Charan Mishra, Advocate

For the State : Mr. Kishore Kumar Singh, SC V .

Order No.07 / Dated : 10.07.2025

Instant writ petition has been filed for quashing the order dated 19.03.2005 passed by the Deputy Commissioner, Dumka in RMA Case No.116/1993-94 whereby and whereunder a direction was made to proceed for appointment of Village Pradhan at Village Sindurpur under Section 5 of the Santhal Pargana Tenancy Act, 1949.

2. The short question raised in this writ petition is whether the said village is a Pradhani Village or a Khas Village, meaning thereby, whether Section 5 or Section 6 of the Santhal Pargana Tenancy Act will apply? As per the petitioner, it was a Pradhani Village therefore, Section 5 will have no application.

3. Petitioner has a statutory remedy under Section 59 of the Santhal Pargana Tenancy Act to prefer a revision before the learned commissioner, which has not been availed. Further, it has been pointed out that from supplementary counter affidavit dated 09.04.2025, it will be evident that the

other side had moved before the Commissioner in RMR No.37/2010-11, from which it will be evident that the said revision was pending till 13th March, 2025.

4. Learned counsel on behalf of petitioner submits that there is no material to show that the said revision is still pending.

5. Having considered the submissions advanced, it is apparent that the petitioner has a statutory alternative remedy in the form of revision which has not been availed before filing of the instant writ petition. Further, a revision arising from the same impugned order was also preferred by the petitioner. Petitioner has an option either to intervene in the said revision, if pending, or to prefer a separate revision against the impugned order instead of pursuing the matter before this Court.

6. Under the circumstance, **writ petition is not maintainable which is dismissed** with liberty to the petitioner to avail alternative statutory remedy. If the RMR No.37/2010-11, is still pending, the said revision be disposed of within eight weeks of the order after hearing the petitioner in the said revision. Interlocutory Application, if any, is disposed of.

(Gautam Kumar Choudhary, J.)