

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 5528 of 2006

- 1. Dwarika Nath Munda (substituted vide order dated 29.04.2009)
Babi Mundain, w/o Late Dwarika Nath Munda (Deleted vide order dated 22.11.2013)
- 2. Badrinath Munda
- 3. Jagdish Munda
All sons of Late Sukhlal Singh Munda
All residents of village: Dubla, P.O. Salgadih, P.S. Tamar, District: Ranchi.

... .. Petitioners

Versus

- 1. The State of Jharkhand
- 2. Commissioner, South Chhotanagpur Division, Ranchi
- 3. Deputy Commissioner, Ranchi.
- 4. Additional Collector, Ranchi.
- 5. Circle Officer, Tamar, Ranchi.
- 6. Kumari Satyabhama, wife of Ram Jivan Singh (substituted vide order dated 22.01.2024)
Ram Jivan Munda @ Jevan Munda, aged about 81 years, S/o Muda Munda, Resident of Village: Dubla, P.O. Salgadih, P.S. Tamar, District- Ranchi (Jharkhand).

... .. Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

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|---------------------|-------------------------------------|
| For the Petitioner | : Mr. Kundan Kr. Ambastha, Advocate |
| | : Mr. Abdul Wahab, Advocate |
| For the Resp. No. 6 | : Mr. Ashish Kr. Thakur, Advocate |
| For the State | : Ms. Shalini Shahdeo, Advocate |

30/12.02.2026

Heard the learned counsel appearing on behalf of the parties.

- 2. This writ petition has been filed for the following reliefs:
“For issuance of an appropriate writ/rule/order/direction for quashing the order dated 18.4.2005 passed by the Deputy Commissioner, Ranchi in Mutation Revision No. 15 of 74-75 contained in Anx.-15 to the writ application by which the respondent no. 3 has illegally dismissed the revision filed by the petitioners declaring the possession of the respondent no. 6 over the lands of Khewat Nos. 3/1, 3/2 and 3/3 situated at village: Dubla, P.O. and P.S. Tamar, District: Ranchi ignoring the unimpeachable documents produced on behalf of the petitioners relating to their title and possession over the lands cancelling the long running Jamabandi in the name of the petitioners after lapse of about 43 years without following the rules and procedure thereon contrary to the provision contained in Bihar Tenants Holding (Maintenance of Records)

Act, 1973 And for quashing the order dated 8.8.2006 passed by the Commissioner, South Chotanagpur Division, Ranchi in Mutation Revision No. 11 of 2006 contained in Anx.-16 to the writ petition dismissing the revision filed by the petitioners at the stage of Admission itself on the point of Limitation on absolutely irrelevant consideration of the materials on the record and for such other relief or reliefs to which the petitioners are legally entitled to.”

3. Learned counsel for the petitioners has submitted that the case has a chequered history and there has been multiple rounds of the writ petition also in the present case. The core of the dispute is, *whether Sukhlal Singh Munda was son of Tetlal Singh Munda or not?*

4. Learned counsel for the petitioners submits that the details of the genealogy have been mentioned in the writ petition right from paragraph 5 onwards. He submits that Sukhlal Singh Munda claiming inheritance got his name mutated in Register-II vide Mutation Case No. 353 of 1962. He further submits that during the lifetime of Sukhlal Singh Munda, a proceeding was initiated under section 145 of Code of Criminal Procedure numbered as Case No. M67 of 1961 and the possession was also declared in favour of Sukhlal Singh Munda.

5. Thereafter, at the instance of the original private respondent no. 6, another proceeding was initiated in the year 1964 under section 145 of Cr.P.C. which was numbered as M Case No. 176 of 1964 which ended in a compromise and pursuant to the compromise, land measuring 15 acres 65 decimals was given to the original respondent no. 6 out of 391 acres and 52 decimals. However, the original respondent no. 6, being aggrieved by the aforesaid compromise decree, filed a title suit being Title Suit No. 18 of 1972 which was dismissed in terms of the judgment dated 13.11.1973.

6. Learned counsel for the petitioners submits that as per customary laws of the tribes of Munda, the females do not have right to inherit property, they are only entitled to maintenance. In spite of the aforesaid, original respondent no.6 filed an application before the Circle Officer for mutation which was numbered as Mutation Case No. 31 R 15 of 1974-75 which was allowed in her favour and affirmed by the appellate authority in Appeal No. 20 of 1973-74. Against the

said order, the father of the petitioners filed Revision No. 31 R 15 of 1974-75 before the Additional Collector which was allowed vide order dated 20.11.1978. Thereafter, another revision was preferred by the original respondent no. 6 before the Commissioner, which was dismissed vide order dated 23.02.1981 passed in Mutation Revision No. 422 of 1978.

7. Subsequently, original respondent no. 6 filed a writ petition before this Court being CWJC No. 1442 of 1981(R). Vide the order passed in the writ petition, the matter was remanded and thereafter, certain orders were passed which led to filing of another writ petition by the original respondent no. 6 which was numbered as CWJC No. 2117 of 1995(R). In the said writ petition, the matter was again remanded vide order dated 07.10.1996 to the Additional Collector which was subsequently modified vide order dated 22.09.1997 and the matter was directed to be decided by the Deputy Commissioner. The learned counsel submits that pursuant to the order of remand, the necessary enquiry was made and it was found that Sukhlal Singh Munda was the son of Late Tetlal Singh Munda and he was resident of village Dubla.

8. The learned counsel for the petitioners submits that the Deputy Commissioner, without properly considering the materials on record, ultimately dismissed the revision in terms of order passed in the year 2005. Against the order passed by the Deputy Commissioner, Mutation Revision No. 11 of 2006 was filed before the Commissioner, South Chotanagpur Division, Ranchi who also arbitrarily dismissed the revision primarily on the point of limitation.

9. The learned counsel for the petitioners has referred to revisional order and has submitted that once an enquiry was made and it was found that Sukhlal Singh Munda was the son of Tetlal Singh Munda of village Dubla, any order passed by the criminal court rejecting the claim that Sukhlal Singh Munda was the son of Tetlal Singh Munda, has no bearing in this case. He has submitted that the impugned order of the learned Commissioner is fit to be set-aside.

10. *Learned counsel appearing for the private respondent*, on the other hand, has submitted that it is not in dispute that in the criminal case bearing no. 267 of 1969, it was found that Sukhlal Singh Munda was not the son of Tetlal Singh Munda. The learned counsel submits that once there is a finding of a competent court that Sukhlal Singh Munda was an imposter, under such circumstances, the revision has been rightly dismissed by the authorities apart from the fact that it was barred by limitation. The learned counsel representing the private respondent has submitted that the private respondent has been paying rent to the State. He has also submitted that the Commissioner has rightly observed that the matter relating to title cannot be decided by revenue authorities.

11. *To this, learned counsel for the petitioners has submitted* that the enquiry was conducted pursuant to the order of the court which was conducted by the Additional Collector who is certainly a revenue authority, but the finding of the Additional Collector is binding wherein it was found that Sukhlal Singh Munda was the son of Tetlal Singh Munda. He submits that conviction in the criminal case has no bearing.

Findings of this Court

12. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this Court finds that in the first round of litigation a writ petition being CWJC No. 1442 of 1981(R) was filed wherein the Court, after considering the arguments of the respective parties, observed that from the perusal of the order passed by the revenue authorities, it appeared that there was some controversy with regard to the fact as to whether the name of Sukhlal Singh Munda was entered in the demand register with respect to Khewat No. 3/1, 3/2 and 3/3 of village Dubla or not and the Court was of the view that such a controversy cannot be decided by the writ court. In the said writ petition, the respondent no. 3 of the said case was directed to enquire into the matter and take into consideration relevant records and pass a fresh order. The Hon'ble Court also observed that if it was found that the name of the Sukhlal Singh

Munda was entered in the demand register after complying with all formalities, no further enquiry may be necessary. It was also observed that if it was found that the name of Sukhlal Singh Munda was not entered in the demand register by a lawful order, the concerned authority would consider the evidences on record and give a finding as to whether Sukhlal Singh Munda was in fact son of Dubraj Singh Munda of Village Kapadia or not, and a fresh order was required to be passed.

13. Thereafter, certain orders were passed and the original private respondent no.6 (Kumari Satyabhama) again approached this Court in CWJC No. 2117 of 1995(R) against the fresh order dated 01.07.1995 passed by the Additional Collector, Ranchi in Mutation Revision Case No. 10R15 of 1987-88.

14. The writ court in CWJC No. 2117 of 1995(R) referred to the earlier order passed in CWJC no. 1442 of 1981(R) and quoted the operative portion of the said order and observed that the *1st part* of the direction could not be made available to the Additional Collector after remand as the records were found traceless and it could not be decided whether Sukhlal Singh Munda, the predecessor of the respondent no. 6 to 11 was recorded after application of all formalities.

With regard to the *2nd part*, the Hon'ble court recorded the submissions of the respective parties and observed that the court did not want to make any comment on disputed title of the parties, but the court noted that the learned Additional Collector arrived at its finding on mistake of fact and on error of records and therefore, the order was set-aside and the Additional Collector was directed to pass fresh order after giving opportunity of hearing to the parties as per the direction given in the earlier writ petition being CWJC No. 1442 of 1981(R).

15. The said order dated 07.10.1996 passed in the writ petition was subsequently modified vide order dated 22.09.1997 passed in CWJC No. 2117 of 1995(R) and it was directed that instead of Additional Collector, the matter be decided by the concerned Deputy Commissioner.

16. Thereafter, enquiry was conducted by the Additional Collector and from the enquiry report (Annexure-11), it appears that it was primarily based on certain documents including the electoral roll of the year 1975 and certain proceedings of the year 1977. It was also recorded that one First Information Report was also instituted and some petitions were also referred where the original private respondent no. 6 had shown Sukhlal Singh Munda as son of Tetlal Singh Munda. Ultimately, the Additional Collector, on the basis of the documents, held that father of Sukhlal Singh Munda was Tetlal Singh Munda and they were resident of village Dubla and it was held that the claim of the opposite parties in this regard was not based on facts.

17. Thereafter, fresh order was passed by the Deputy Commissioner at Annexure- 15 rejecting the claim of the father of the petitioners and he also referred to the judgment passed by the criminal court noting that the claim of Sukhlal Singh Munda being son of Tetlal Singh Munda was found to be not correct. The authority also recorded that at that time, the original private respondent no.6 was in possession of the property and ultimately, directed that the *Jamabandi* be opened in the name of the original private respondent no. 6. This order was passed in the year, 2005.

18. Thereafter, the matter was taken up before the Revisional Authority who passed an order dated 08.08.2006. The revisional authority also referred to the criminal case and did not interfere with the order passed by the Deputy Commissioner and also observed that the Revenue Authorities have no jurisdiction to decide the matter of title. The revisional authority decided the case not only on merits, but also observed that the revision was barred by limitation and no cogent explanation was furnished for the delay.

19. This Court is of the considered view that the orders passed in the previous writ petitions also reveal that the court had observed that such dispute with regard to title of the parties cannot be decided in writ jurisdiction. However, certain enquiry was directed to be made which was conducted by revenue officer. The fact remains that there is a pronouncement of a criminal court that Sukhlal Singh Munda was

not the son of Tetlal Singh Munda. However, the judgment of the criminal court has not been placed on record and this aspect of the matter is also not in dispute in the writ petition. Admittedly, the original private respondent no. 6 was found to be in possession of the property.

20. This Court is of the considered view that the order passed by the Deputy Commissioner for opening *Jamabandi* in the name of the original private respondent no. 6, primarily on the basis of possession, and rejecting the claim of the father of the petitioners was a well-reasoned order taking into consideration the entire matter placed before the authority and the learned Commissioner has rightly refused to interfere with the order passed by the Deputy Commissioner by the impugned order. The learned Commissioner has already observed that the matter relating to title cannot be decided by the revenue authorities.

21. In such circumstances, this Court finds no reason to interfere with the impugned orders under Article 226 of the Constitution of India. Accordingly, this writ petition is hereby dismissed.

22. At this, learned counsel for the petitioners has submitted that this order may not prejudice the case of the petitioners, if appropriate remedy through process of court before the civil court, is undertaken by the petitioners.

23. It is made clear that this order will not prejudice the either party, if appropriate remedy is sought seeking declaration of right, title, interest and possession and the status of the concerned person, through a competent court of civil jurisdiction.

24. Pending interlocutory application, if any, is dismissed as not pressed.

(Anubha Rawat Choudhary, J.)

Date of Order: 12.02.2026

Pankaj

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