

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****W.P.(S). No. 1406 of 2019**

Sarfaraz Ansari, s/o. Ashraf Ali, resident of P.O. & P.S. Mandu, District Ramgarh  
 ..... **Petitioner**

**Versus**

1. C.M.D., C.C.L., Darbhanga House, Ranchi, P.O., P.S. & District Ranchi.
2. C.M.D., Pundi Project, Central Coalfields Limited (C.C.L.), P.O. Hesagara, P.S. Mandu, District Ramgarh.
3. Project Officer, Pundi Project, Central Coalfields Limited (C.C.L.), P.O. Hesagara, P.S. Mandu, District Ramgarh.
4. Staff Officer, Pundi Project, Central Coalfields Limited (C.C.L.), P.O. Hesagara, P.S. Mandu, District Ramgarh.
5. General Manager, Central Coalfields Limited (C.C.L.), Kujju, P.O. & P.S. Kujju, District Ramgarh.
6. Nurullah Ansari, S/o. Late Shubhani Mian, resident of village Bonga Hara, P.O. & P.S. Mandu, District Ramgarh.

..... **Respondents**

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

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|---------------------|---|----------------------------------|
| For the Petitioner  | : | Mr. Rajendra Pd. Gupta, Advocate |
| For the Resp.-CCL   | : | Mr. Amit Kr. Das, Advocate       |
|                     |   | Mr. Kanishka Deo, Advocate       |
| For the Resp. No. 6 | : | Mr. Afaque Ahmed, Advocate       |

**C.A.V. on 26/11/2025****Pronounced on:19/01/2026**

Heard the parties.

2. In the instant Writ application petitioner has prayed for a direction upon the respondents to appoint the petitioner and take action against respondent no.6 who is working in C.C.L. Area Pundi Project on a false paper showing himself as a land loser in place of petitioner and further to pay a compensation for the land pertaining to Thana No. (Mandu) 114, Khata no. 119 for which the petitioner is legally entitled as he is a Khatiyani Raiyat.
3. The case of the petitioner is that his land appertaining to Khata number 119, area = 3.81 acres (three acres and eighty-one decimal), was acquired by the respondents for Pundi Project, CCL Kujju area. The said land recorded in the name of petitioner's grandfather, late Rahim Mian. To obtain compensation and a job

against said land, Jumman Mian tricked the petitioner to sign an agreement, promising that he would secure compensation and a job from CCL, however, the said Jumman Mian, using his name and influence, obtained a fraudulent certificate from the local land office, submitted it to CCL and received the compensation and then, by making Nurullah, son of Subhani Mian, his son-in-law, secured a job for him. Jumman Mian took full advantage of the similarity in names with his father, Rahim Mian, and after getting Nurullah the job, he reneged on his promise to the petitioner.

4. It has been submitted by Ld. Counsel for the petitioner that Circle Officer, wrote a letter dated 15.9.2014 to the Staff Officer (Planning) Kujju area regarding enquiry of land appertaining to Mandu Thana no.114 and Khata no. 119. It is further stated that the land as shown by the petitioner is a true one. It has further been submitted that petitioner has also annexed family ancestral letter issued by Circle officer, Mandu dated 23.07.2015 showing that the petitioner is the real Bonafide beneficiary.
5. He had lastly submitted that General Manager, Kujju area wrote a letter to the petitioner on 27.3.15 regarding a detailed enquiry regarding job & compensation, however, when nothing was done by the respondents then petitioner gave representation dated 7.9.16 to the Managing Director C.C.L., Kujju Area regarding the fact about job & compensation taken by one Jumman Mian on false documents. Finally, the petitioner has written letter to the C.M.D., CCL, on 23.1.19 regarding grant of job as well as compensation to the petitioner for the lands acquired by C.C.L. In view of the aforesaid submission learned counsel for the petitioner prayed for taking action against the respondent no.6 and to pay compensation to the petitioner.
6. It has been submitted by Ld. Counsel for the respondent no.6 that the alleged agreement dated 14.2.2006 annexed as Annexure-1 of the writ application is forged and fabricated and as a matter of

fact, no such Agreement is executed between the petitioner and Jumman Mian. The alleged signature shown in the said agreement is not of Jumman Mian. He had further submitted that so far as the report sent to the Staff officer Project and Planning, Kuju Area by the Circle Officer, Mandu, is concerned; it is based on the information from the Settlement Office, Hazaribag which cannot be assumed authentic, inasmuch as, from the letter dated 26.9.2017, it is evident that no genealogy has been issued of any raiyat on the land in question from the Settlement Office, Hazaribag. He had also submitted that the Circle Officer, Mandu has issued a genealogy certificate dated 14.05.2009 which disclosed that Jumman Mian is the son of Rahim Mian and the petitioner is the son-in-law of Jumman Mian being husband of his daughter Sufaida Khatoon. Further, the land verification certificate bearing letter no.1 dated 2.4.2009 has also been issued by the Circle Officer, Mandu which disclosed that the land is recorded in the name of Rahim Mian. He lastly submitted that land possession certificate has also been issued regarding physical possession of the land vide letter dated 20/22.4.2023 issued by the Welfare Officer, Pundi Project, Kuju Area, Ramgarh, which shows against the Plot No.-2594 and 2612, employment has been given to Nurullah Ansari (Respondent No.-06 herein). In view of the aforesaid submission learned counsel submitted that no relief should be granted to the petitioner.

7. Learned counsel for the respondent C.C.L. had submitted that respondent no.6 has been granted employment as per the company rules and the documents submitted by him has been authenticated by the competent authority of State Government. He had further submitted that pursuant to complaint, a departmental proceeding has been initiated after issuance of the charge-sheet and after concluding the enquiry, the enquiry officer submitted a detailed report on 2.08.2025, holding the charge to be not proved. However, on perusal of supplementary counter affidavit filed by Respondent

no.6 it appears that final order dated 12.08.2025 has already been issued under the signature of Project Officer, Pundi Project, whereby after careful consideration of the enquiry report and finding contained therein along with other available records, disciplinary authority has found that the charges leveled against Sri Nurullah Ansari (respondent no.6 herein) are baseless and not proved and respondent no.6 has been exonerated from the charges leveled against him.

8. Having heard learned counsel for the parties and after going through the documents annexed with the respective affidavits, it transpires that that respondent no.6 has been given employment as per the company rules and the documents submitted by him has been authenticated by the competent authority of the State Government. The said fact is quite evident from the para-11 of the counter affidavit filed on behalf of CCL dated 26.02.2020.
9. It further transpires that pursuant to complaint made by the petitioner against the respondent no. 6, a charge sheet was issued on 6.1.2015 as contained at Annexure-A to the 2<sup>nd</sup> supplementary counter affidavit dated 04.08.2025 and on the said charge sheet, a detailed inquiry was conducted by the CCL authorities and enquiry report signed on 02.08.2025 was submitted; whereby charges leveled against respondent no.6 was found not true. Thereafter, disciplinary authority after going through the said report and other records and after careful consideration, has exonerated the respondent no.6 from the charges leveled against him vide office order dated 12.08.2005 (Annexure-A to supplementary counter affidavit dated 04.09.2025 filed by respondent no.6).
10. It is also now well settled proposition of law that hotly contested disputed question of facts is to be proved by the party and Courts while exercising writ jurisdiction should refrain from adjudicating any such dispute. Reference in this regard is made to

the case of *Roshina T vs. Abdul Azeez K.T. and Ors.*<sup>1</sup>, wherein the Hon'ble Apex Court has held as under:-

*“14. It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant. (See Mohan Pandey v. Usha Rani Rajgaria [Mohan Pandey v. Usha Rani Rajgaria, (1992) 4 SCC 61] and Dwarka Prasad Agarwal v. B.D. Agarwal [Dwarka Prasad Agarwal v. B.D. Agarwal, (2003) 6 SCC 230] .)”*

- 11.** In the instant case, even ignoring the result of disciplinary proceedings, the factual aspect indicates that it is purely disputed question of fact; and the same cannot be decided under writ jurisdiction.
- 12.** Having regard to the aforesaid discussion, no relief can be granted to the petitioner and as such the instant Writ application is hereby dismissed.

**(Deepak Roshan, J.)**

19<sup>th</sup> January, 2026

Kunal/-

Uploaded on 22/01/2026

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<sup>1</sup> (2019) 2 SCC 329