

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 215 of 2026

Raj Kumar Shrivastava, aged about 56 years, S/o Late Atul Kumar Shrivastava, R/o-Village Jarmundi, P.O. + P.S.-Jarmundi, Dist.-Dumka

... Appellant/Original Writ Petitioner

Versus

1. State of Jharkhand, through its Principal Secretary, State of Jharkhand through the Principal Secretary, Revenue & Land Resources Department, Ranchi having its office at Project Bhawan, P.O. & P.S.- Dhurwa, Dist.-Ranchi
2. Divisional Commissioner, Santhal Pargana Division, P.O. + P.S. Jarmundi, Dist.-Dumka
3. Nutan Devi, W/o Late Ghanshyam Prasad Lal, R/o Main Bazar, Jarmundi, Hatiatola, P.O. + P.S. Jarmundi, Dist.-Dumka
4. Nunnu Prasad Lal, S/o Late Jagdish Prasad Lal, R/o – Main Bazar, Jarmundi, Hatiatola, P.O. + P.S. Jarmundi, Dist.- Dumka
5. Circle Officer, Circle Office, P.O. + P.S.-Jarmundi, Dist.-Dumka

... Respondents/Original Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Appellant: Mr Shailesh Kumar Singh, Advocate
For the Respondents: Mr Yogesh Modi, A.C. to A.A.G.-IA

02/Dated: 20.04.2026

1. Heard the learned counsel for the parties.
2. This appeal challenges the Single Judge's order dated 24.02.2026 dismissing the appellant's W.P. (C) No. 3603 of 2023.
3. The learned counsel for the appellant argues that there was already an order for demarcation and the appellant merely desired such order to be enforced. He, therefore, submits that the learned Single Judge should not have relied upon the decision in ***Rajendra Charan Dwari @ Rajendra Charan Dvari Vs. The State of***

Jharkhand and Others in L.P.A. No. 399 of 2023 dated 14.11.2024 to non-suit the appellant.

4. The learned A.C. to A.A.G.-1A defends the impugned order based upon the reasoning reflected therein.

5. We have perused the impugned order and the material on record, and we are satisfied that no case is made out for any interference.

6. Firstly, it may not be correct to hold that the appellant already had an order of demarcation in his favour. Based on certain endorsements on the application for demarcation, we cannot accept that such endorsements constitute an order for demarcation.

7. Secondly, even assuming that there were endorsements on the petitioner's application for demarcation by the Circle Officer, the learned Single Judge has correctly held that the Circle Officer functions only as a service provider and not as an adjudicating authority.

8. In ***Rajendra Charan Dwari @ Rajendra Charan Dvari Vs. The State of Jharkhand and Others*** (supra), a Coordinate Bench of this Court, has made the following observations at paragraph 6:-

“6. In this view of the matter, we are of the opinion that the learned Single Judge had erred in giving a finding that Circle Officers are having the necessary power and jurisdiction to carry out demarcation of private properties upon filing of an application by one or the other concerned party on payment of requisite fee. It was not

necessary for the learned Single Judge to give such a finding once the Circle Officer, Deoghar had actually withdrawn the notices issued by him to the petitioners and the learned Single Judge also could not have placed reliance on the cabinet decision which contained no such provision conferring any such power to make demarcation of the land on the Circle Officer.”

9. The learned Single Judge’s impugned order aligns with the above-referred observations, and accordingly, we are satisfied that there is no error warranting interference in this Letters Patent Appeal.

10. This appeal is, therefore, dismissed. However, the dismissal of the writ petition or of this Letters Patent Appeal will not preclude the appellant from filing a suit before the appropriate civil court to enforce his alleged rights in respect of the suit property.

11. All contentions of the parties in this regard remain open.

12. This LPA is disposed of in the above terms without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

April 20, 2026

N.A.F.R.

Manoj/ Sharda/Cp.2

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