

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1296 of 2021

Ghasiram Mahato, son of Late Aghnu Mahato, resident of Village Purihesa, P.O. & P.S. Ichagarh, District Seraikella-Kharswan, Jharkhand. **... .. Petitioner**

Versus

1. The State of Jharkhand.
2. Deputy Commissioner, Seraikella, P.O. + P.S. Seraikella, District Seraikella-Kharsawan, Jharkhand.
3. Sub Divisional Officer, Chandil, P.O. + P.S. Chandil, District Seraikella-Kharswan, Jharkhand.
4. Devrohin Mahato, S/o Late Akshay Mahato, R/o Village Purihesa, P.O. + P.S. Ichagarh, District Seraikella-Kharswan, Jharkhand.

... .. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Abhishek Kumar Dubey, Advocate
 Mr. Harsh Utsav, Advocate
 Ms. Akriti Aprajita, Advocate

For the Respondent(s): Mr. Shubham Gautam, AC to GP-I

08/ 07.05.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

"for issuance of appropriate Writ(s) / Order(s) / direction(s) directing the concerned respondents particularly Respondent No.3 to send to this Hon'ble Court all records appertaining to issuance of order issued vide memo No.246, dated 19.02.2021 by Sub Divisional Officer, Chandil and thereafter to show cause as to under what authority of law said order has been issued;

And / Or

Further prays for issuance of further Writ(s) / Order(s) / direction(s) quashing the order issued vide memo No. 246, dated 19.02.2021 (Annexure-3) by Sub Divisional Officer, Chandil whereby and where under petitioner and his family members have been debarred from making any construction work over the land situated at Khata No.153, Plot No.490 admeasuring 57 decimals, Mouza Purihesa, P.S. Ichagarh, Seraikella, during pendency of Partition Suit."

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. After hearing the parties, I find that vide impugned order as contained in Letter bearing Memo No.246 dated 19.02.2021 (Annexure-3 to the writ petition), the Sub-Divisional Officer, Chandil, had directed the petitioner not to make any construction over the land in question, on the ground that the Original Partition Suit No.19 of 2019, is pending.

4. Once a suit is pending and none of the parties has approached for injunction under Order XXXIX, Rule 1 and 2, the Revenue Authority has got no power to injunct any of the parties from making any construction. It was the Civil Court, who was in seisin of Original Partition Suit No.19 of 2019, had got the jurisdiction to pass the injunction order. The Sub-Divisional Officer, Chandil, has thus exceeded his jurisdiction while issuing the impugned order.

5. Thus, the impugned order as contained in Letter bearing Memo No.246 dated 19.02.2021 (Annexure-3 to the writ petition), the Sub-Divisional Officer, Chandil, is hereby set aside.

6. It is made clear that if any of the parties is aggrieved by any action of either of the parties, it will be open to them to approach the Court by filing an appropriate application, where the Original Partition Suit No.19 of 2019, is pending.

7. With the aforesaid observation and direction, this writ petition stands **allowed**.

(ANANDA SEN, J.)

07th May, 2026
Prashant. Cp-2

Uploaded on 12.05.2026