

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 288 of 2010

1. Smt. Sabita Mishra, wife of Shri Prashna Kumar Mishra, resident of Jodhadih More, Chas, P.O. and P.S. Chas, District Bokaro
 2. Bishwajit Kumar Mishra
 3. Satyajit Mishra
- Both sons of Late Prashanna Kumar Mishra, resident of Jodhadih More, Chas, P.O. and P.S. Chas, District Bokaro

.... Petitioners
 Versus

1. The State of Jharkhand
 2. Deputy Commissioner, Bokaro, P.O. & P.S. Bokaro, District Bokaro
 3. Land Revenue Dy. Collector, Chas, Bokaro
 4. Director, Project Land & Rehabilitation, Chas, P.O. and P.S. Chas, District Bokaro
- Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Ajit Kumar, Advocate
 For the Respondents-State : Mr. Manish Mishra, G.P. V
 Ms. Aditee Dongrawat, A.C. to G.P. V

06/27.04.2026 Heard Mr. Ajit Kumar, learned counsel for the petitioners and Mr. Manish Mishra, learned counsel for the respondents-State.

2. This writ petition has been filed under Article 226 of the Constitution of India for direction upon the respondents, particularly respondent no.4 not to interfere with the peaceful possession of the petitioners over their Raiyati land in any manner in absence of any order of competent court of law.

3. Learned counsel appearing on behalf of the petitioners submits that earlier the petitioners have moved in C.W.J.C. No.127 of 1987 (R) which was allowed and disposed of by the order dated 13.04.1987 observing that the petitioners have not encroached any land and the liberty was provided to the petitioners to take appropriate steps for damages. He next submits that thereafter, BPLE Case No.8 of 1987-88 in respect of the said land has been initiated which was decided against the petitioners by order dated 14.02.1989. Thereafter, the petitioners have preferred BPLE Appeal Case No.1 of 1991 and by order dated 13.12.1995, the order passed in BPLE Case No.8 of 1987-88 was set aside and the matter was remanded back to the concerned authority to decide the said case afresh. He further submits that thereafter, the said case is still pending. He also submits that the respondents are illegally forcing the petitioners to vacate the land.

4. Learned counsel appearing on behalf of the State submits that

there is dispute with regard to the said plot, as some part of the land is Raiyati and some parts are Gairmajarua and the State is in possession of the same.

5. In view of above, considering the disputed question of facts and further that the said BPLE case is still pending and the petitioners having the remedy to take steps for disposal of the said BPLE Case by way of showing his bona fide and satisfying the authority, this petition is disposed of with liberty to the petitioners to take all the grounds made in BPLE Case No.8 of 1987-88. For any interim relief, the petitioners are at liberty to file appropriate petition before BPLE court. The interim order is vacated.

(Sanjay Kumar Dwivedi, J.)

Anit

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