

IN THE HIGH COURT OF JHARKHAND AT RANCHI
WP(C) No.1895 of 2019

Niladari Nandi, aged about 61 yrs. S/o Late Risikesh Nandi resident of 3A, Radhakant Jeub Street, IDBI Bank, Shyam Bazar Mall, P.O & P.S.-Shyam Bazar, Kolkata, West Bengal through his power of attorney holder Shri Sukhram Munda s/o Late Pipa Ram Munda, aged 36 yrs. resident of Jamdih, P.O-Butgora, P.S-Potka, District:-East Singhbhum, (Jharkhand) Petitioner

Versus

1. State of Jharkhand
2. Dy. Commissioner, Office of the Dy. Commissioner, P.O & P.S: - Sakchi, Jamshedpur, District: -East Singhbhum
3. Additional Deputy Collector, Office of the Additional Deputy Collector, P.O & P.S: -Sakchi, Jamshedpur, District: -East Singhbhum
4. Circle Officer, Office of the Circle Officer, P.O & P.S: -Musabani, District: -East Singhbhum ... Respondent(s)

CORAM: SRI ANANDA SEN, J.

 For the Petitioner(s) : None
 For the Respondent(s) : Mr. Om Prakash Tiwari, GP-III

7/09.04.2026 Nobody appears on behalf of the petitioner on repeated calls.

Counsel for the State is present.

2. I have gone through the writ petition filed by the petitioner. By filing this writ petition, the petitioner has prayed for direction upon the respondent No.3 for issuance of rent receipt in favour of petitioner for Khata No.11, thana No.92, plots Nos. 60, 61, 69, 70, 71, 108, 109, 112, 117, 59/138, 76/140, 61/141, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86, 87, 88, 89, 93, 94, 95, 121, 99/114, 111, 78, 79 and 85 with total measuring area of 32 acres 18 decimals situated at Mouza Murga Guthu.

3. It is the case of the petitioner that the land in question, which is the subject matter of this writ petition, is the ancestral property of the petitioner. Due to ill-health condition, the father of this

petitioner, namely Rishikesh Nandi executed a power of attorney in favor of Shri Sukhram Munda, empowering him to look after the affairs of the lands in question.

4. It is the case of the petitioner that the petitioner is in possession of the property. The petitioner being the only son, inherited the property. Thereafter, an application was made before the respondent No.4 praying therein to issue rent receipt of the various plots Khata No.11, thana No.92, plots Nos. 60, 61, 69, 70, 71, 108, 109, 112, 117, 59/138, 76/140, 61/141, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86, 87, 88, 89, 93, 94, 95, 121, 99/114, 111, 78, 79 and 85 with total measuring area of 32 acres 18 decimals situated at Mouza Murga Guthu.

5. It is the grievance of the petitioner that in spite of the said application, the respondents have not taken any steps to accept the rent or issue rent receipt in favor of the petitioner. It is the grievance of the petitioner that if the rent receipts are not issued, the petitioner will suffer irreparable loss.

6. In the counter-affidavit filed by the State, the title of the petitioner has been questioned and challenged. In paragraph-11, it has been mentioned that 61.57 acres of land were acquired by the Hindustan Copper Limited on 15.12.1971 and further 07 acres of land on 19.8.1977 from Khata No. 11, mouza Murga Guthu. Though, it has further been mentioned that the land were recorded in the name of Rishikesh Nandi, Kumar Nandi, Samaresh Nandi

and Paunaresh Nandi, all sons of Kanhaiyalal Nandi, but plots No. 60, 61, 69, 70, 71, 108, 109, 112, 117, 59/138, 76/139, 76/140, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86, 87, 88, 89, 93, 94, 95, 121, 99/114, 111, 79 and 85 have been transferred to the Home Department by Hindustan Copper Limited vide record No.7/03-04 and 8/03-04. Further, in paragraph-12, it has been submitted that the huge portion of land has been transferred to the Home Department and the petitioner has got no Right, Title and Interest over the said plots of land.

7. Thus, from the pleadings made by the petitioner in the petition as well as the State, I find that there is serious dispute in respect of the title of the petitioner. As per the State, initially the land was acquired by the Hindustan Copper Limited. Thereafter, the Hindustan Copper Limited has transferred the same to the Home Department. In view of the acquisition and transfer, the petitioner has got no right of payment of rent and to get the rent receipt from the State.

8. If the petitioner wants, it is open to the petitioner to approach to the civil court for declaration of the Right, Title and Interest questioning acquisition and subsequent transfer, which cannot be looked into by this Court in an application filed under Article 226 of the Constitution as the same needs proper adjudication of the rights of the parties involved by leading oral and documentary evidences. Thus, no relief can be granted to the petitioner.

9. In view of the above reasons and analysis, this writ petition stands dismissed with liberty to the petitioner to approach to the civil court.

(ANANDA SEN, J.)

09.04.2026

R.Kumar