

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.2069 of 2018

1. Kishori Marik, son of Ishwar Marik.
2. Amrit Marik, son of Dhaneshwar Marik.
3. Dwarika Marik, son of Late Basudeo Marik.

All are resident of Village Pathakhir, P.O. Dandidih, P.S. Giridih, District Giridih, Jharkhand.

... .. Petitioners

Versus

1. The State of Jharkhand.
2. The Chief Secretary, Government of Jharkhand, Ranchi, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Jharkhand, Ranchi, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
4. The Principal Secretary, Department of Agriculture, Animal Husbandry and Co-operative, Government of Jharkhand, Ranchi, Nepal House, Doranda, P.O. + P.S. Doranda, District Ranchi, Jharkhand.
5. The Principal Secretary, Department of Building Construction, Nepal House, Doranda, P.O. + P.S. Doranda, District Ranchi, Jharkhand.
6. The Chief Engineer, Department of Building Construction, Nepal House, Doranda, P.O. + P.S. Doranda, District Ranchi, Jharkhand.
7. The Deputy Commissioner, Giridih, P.O. + P.S. Giridih, District Giridih, Jharkhand.
8. The Sub-Divisional Officer, Giridih, P.O. + P.S. Giridih, District Giridih, Jharkhand.
9. The Circle Officer, Giridih, P.O. + P.S. Giridih, District Giridih, Jharkhand.

... .. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Tejo Mistry, Advocate

For the Respondent(s): Mr. Ashok Kumar Yadav, Sr. SC-I
 Mr. Ranjan Kumar, AC to Sr. SC-I

14/ 06.04.2026

By filing this writ petition, the petitioners have prayed for the following reliefs :-

"for issuance of an appropriate writ/writs, order/orders, direction/directions or a writ in the nature of Mandamus commanding and directing

the respondents to dispossess/vacant the land of the petitioners from the unauthorized and unscrupulous persons who have illegally and forcefully captured the land of the petitioners for the purpose of construction of Cold-storage as the same is a Raiyati land and registered in the name of Polo Marik, the ancestor of the petitioners, situated under Mouza-Mangrodih, Tola-Pathakhir, Khata No.96, Plot No.2717, Thana No.233, area 51 acres under District Giridih, without any prior notice or compensation made to the petitioners.

AND

The petitioners further pray before this Hon'ble Court to stay any construction over the land-in-question whereupon inauguration programme has already been done for construction of Cold Storage, till final hearing of this writ application."

- 2.** Heard learned counsel representing the petitioners and learned counsel representing the respondents.
- 3.** Learned counsel representing the petitioners submits that the land belongs to the ancestors of these petitioners but the respondents have forcefully dispossessed the petitioners and the State has put a foundation stone for construction of a Cold Storage. He lastly submits that the construction is still continuing.
- 4.** Learned counsel representing the respondent-State submits that there is a serious dispute in respect of title of the petitioners as the petitioners failed to establish their title. He while referring to para-9 of the counter affidavit submits that the land was initially leased to the ancestors of these petitioners but the said lease came to an end sometime in the year 1911. Para-9 of the counter affidavit, is as follows:-

"9. That in reply to paragraph 05 of the instant writ application it is humbly stated and submitted that the averments made here is denied by the answering respondent.

At the very out-set it is pertinent here to state and submit that the land of Village Mangrodih, Tola Pathakhir, Khata no.96, Plot no. 2717 area 51 acres were recorded in last cadastral survey conducted in the year 1908 to 1911 as Gairmazurua Khas Parti Kadim as none was found in possession of the land as lease-holder or Bataidar as claimed by the petitioner. The claim of the petitioner on the basis of Annexure-I lease deed dated 09.03.1886 for the period of Fasli Sal 1304 to F.S. 1308 i.e. for five years only. Likewise Annexure 1/1 Lease deed dated 01.06.1903 for the period Fasli Sal 1311 to 1319 for nine years. It is crystal clear that the cadastral survey period 1908 to 1911 fell during F.S. 1311 to F.S. 1319 but strange enough the name of ancestors of the petitioners did not find place in cadastral survey as lease-holders. Prior to cadastral survey there was no Khata number and Plot number and the land was being identified by the boundary. From perusal of both Annexure-1 and 1/1 it is apparent that boundary is mentioned therein as East-Soti (Nala) West- Rasta, North- sarhad and South-Usri River. It is strange enough that Usri River is more than half kilometer away from the boundary of Plot no.2717. The respondents are filing the xerox copy of cadastral Map for kind perusal and consideration.

Photocopy of cadastral map is annexed herewith and marked as **Annexure-A** to this counter affidavit.

It is also humbly submitted that admittedly the basis of claim vide Annexure 1 and 1/1 expired during the year 1912 then how on what basis after vesting of zamindari in the State of Bihar the names of Polo Marik and others were entered in Register-II. The petitioners are silent on this aspect. It is denied that Register-II is legally valid as khatian. No return submitted by the ex-landlord has been annexed by petitioners."

5. Thus, from the rival submission of the parties, I find that there is a serious dispute in respect of right, title and interest of the land, involved in this matter, which cannot be decided in an application under Article 226 of the Constitution of India.

5.1. If the petitioners claim right and title over the property in question including recovery of possession, it will be open to the petitioners to approach the appropriate Civil Court by filing a suit.

6. With the aforesaid observations, this writ petition stands **disposed of.**

(ANANDA SEN, J.)

06th April, 2026
Prashant. Cp-2

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