

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Writ Jurisdiction)**  
**W.P. (C) No. 2389 of 2019**

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1. Gulam Mustafa  
2. Md. Israil Ansari  
3. Md. Ziyaul Haque  
4. Md. Azad Hussain  
5. Hadish Ansari  
6. Sayum Khan  
7. Utim Mia

.....      .....      Petitioners

**Versus**

The State of Jharkhand & Others

.....      .....      Respondents

**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**

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For the Petitioners : Mr. Prashant Kumar Rai, Advocate.  
For the Respondents/State: Mr. Om Prakash Tiwari, G.P.-III  
Mr. Mukul Kumar Singh, A.C. to G.P.-III

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**10/11.04.2022.**

Heard, learned counsel for the petitioners, Mr. Prashant Kumar Rai and learned counsel for the respondents / State, Mr. Om Prakash Tiwari, G.P.-III assisted by learned counsel, Mr. Mukul Kumar Singh.

Seven petitioners namely, (1) Gulam Mustafa, (2) Md. Israil Ansari, (3) Md. Ziyaul Haque, (4) Md. Azad Hussain, (5) Hadish Ansari, (6) Sayum Khan and (7) Utim Mia have preferred this writ petition for a direction upon the respondents / State including the Deputy Commissioner, Giridih as well as Divisional Forest Officer, Western Division, Giridih and Range Officer, Jamua, Range (Forest), Giridih not to interfere and intervene in the peaceful right and possession of the petitioners over the land, situated in Mouza – Chhatmaka in Thana No. 370, Khata No. 19 appertaining to Plot No. 48, measuring an area of 7.17 acres, as the same has been recorded in the record of rights as Karbala land, but the Range Forest Officer, Giridih, West Forest Division by filing an affidavit on 11.11.2019 has claimed the aforesaid land as Notified Forest according to Notification No. C/F-17023/55-2653 R dated 31<sup>st</sup> August, 1955 and has claimed that the ownership of the said land lies with the Forest Department. Petitioners cannot have right over the said land and as such, the petitioners may go before the competent court of law for adjudication of their title.

Learned counsel for the petitioners, Mr. Prashant Kumar Rai has submitted that even the revenue authority admitting the said land

to be a Karbala land and the Deputy Commissioner, Giridih has written a letter to the District Welfare Officer, Giridih vide Letter No. 1934/Confidential dated 19.08.2010 to construct boundary wall around the Karbala land.

Learned counsel for the respondents / State, Mr. Om Prakash Tiwary, G.P.-III assisted by learned counsel, Mr. Mukul Kumr Singh has submitted, that the Deputy Commissioner, Giridih has no jurisdiction to encroach over and construct any boundary wall over the forest land. The land belongs to the Forest Department as such, the Forest Officer has every right. No Government authority can give permission to the petitioners to use it as Karbala land, even the entry has been made by the Circle Officer, but those entries are not in accordance with the revisional survey settlement, which ought to have been in favour of the Forest Department, as such, three weeks, time may be granted so as to seek instruction in the matter from the Additional Chief Secretary, Revenue, Registration and Land Reforms Department, Government of Jharkhand, Principal Secretary, Department of Forest, Environment and Climate Change, Government of Jharkhand and Member, Board of Revenue, Jharkhand that how this land has been mentioned as Karbala land by the revenue authority of district – Giridih.

Learned counsel for the respondents / State has further submitted, that Annexure-1 to the writ petition, upon which the petitioners are putting reliance, is not the copy of survey settlement, rather the same has been issued by the Circle Officer, Giridih, which shows that they have considered the land to be a Karbala land.

Considering the same, State counsel is directed to file affidavit after seeking instruction from the Additional Chief Secretary, Revenue, Registration and Land Reforms Department, Government of Jharkhand, Principal Secretary, Department of Forest, Environment and Climate Change, Government of Jharkhand and Member, Board of Revenue, Jharkhand regarding the nature of the land and who is the title holder of the aforesaid Gair Majarua Aam Land?

Put up this case after three weeks under the appropriate heading.

**(Kailash Prasad Deo, J.)**