

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 2077 of 2021

Suresh Sahu, aged about 65 years, son of Late Gahnu Sahu, resident of Village Berwari, P.O. & P.S. Angara, District Ranchi

... .. **Petitioner**

Versus

1. The State of Jharkhand
2. The Commissioner, South Chotanagpur Division, Ranchi, P.O. + P.S. and District-Ranchi, Jharkhand.
3. The Deputy Commissioner, Ranchi, P.O. + P.S. and District-Ranchi, Jharkhand.
4. The Land Reform Deputy Collector, Sadar, Ranchi, P.O. + P.S.-Sadar, District- Ranchi, Jharkhand.
5. Fudun Pahan @ Fudan Pahan (Munda), Son of Late Chamna Pahan (Munda), Resident of Village + P.O.-Childag, P.S.-Angara. District-Ranchi, Jharkhand.

... .. **Respondents**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner
For the State

: Mr. Tejo Mistry, Advocate
: Mr. Amrit Raj Kisku, Advocate
Mr. Neil Abhijit Toppo, Advocate

06/21st November 2024

1. Learned counsel for the petitioner and the learned counsel for the State are present.
2. Learned counsel for the petitioner has submitted that the ancestors of the petitioner were in possession of the land involved in the present case since 1933. He has submitted that an application for restoration of land under the provisions of Chota Nagpur Tenancy Act was filed by the private respondent and an order dated 08.01.2013 was passed in favour of the petitioner. However, the order dated 08.01.2013 was set-aside by the appellate authority. He has further submitted that thereafter the matter was taken up before the revisional authority which was numbered as SAR Revision Case No. 91 of 2016 and the revision was dismissed by

observing that the petitioners have failed to produce any documentary evidence with respect to the settlement of land in question and payment of rent to the Bhuinhardar.

3. The learned counsel for the petitioner submits that the orders passed do not reflect as to when the private respondent claimed to have been dispossessed from the property and accordingly the point of limitation has not been properly considered.

4. The learned counsel for the State is directed to seek instruction and file a counter-affidavit in the present case and also produce the connected records of SAR Case No. 06 of 2003-04 / TR 13 of 2009-10 / TR31 of 2009-10 and also the records of the appellate court in SAR Appeal No. 33R15 of 2013-14 and the records of the revisional court being SAR Revision Case No. 91 of 2016.

5. Issue notice to the respondent No. 5 through speed-post as well as through the concerned police station, for which requisites should be filed by 25.11.2024.

6. Learned counsel for the State shall also file an affidavit of the officer-in-charge or any other authorized person of the concerned police station regarding service of notice upon the respondent No. 5.

7. Office to track the speed-post-delivery and prepare proper office note with regard to service of notice.

8. Post this case on 09.01.2025 awaiting service report.

(Anubha Rawat Choudhary, J.)

Mukul