

IN THE HIGH COURT OF JHARKHAND AT RANCHI

WP(C) No.2900 of 2019

1.Samir Mandal, son of Sri Nani Gopal Mandal
2.Sonali Mandal, w/o Sri Samir Mandal
Both residents of village Tetuldanga, PO Dobha, PS
Dhalbhumgarh, District East Singhbhum

... Petitioner(s).

Versus

1.The State of Jharkhand
2.Deputy Commissioner, East Singhbhum, Sakchi, PO and PS
Sakchi, District East Singhbhum
3.Sub-Divisional Officer, Ghatsila, PO and PS Ghatsila,
District East Singhbhum
4.Block Development Officer, Dhalbhumgarh, PO and PS
Dhalbhumgarh, District East Singhbhum
5.Circle Officer, Dhalbhumgarh, PO and PS Dhalbhumgarh,
District East Singhbhum
6.Narayan Mandal, son of Atal Mandal, resident of village-
Teluldanga, PO Dobha, PS Dhalbhumgarh, District East
Singhbhum

... Respondent(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Sachin Mahto, Advocate
For the Respondents : Mr. Ashish Kr. Shekhar, Advocate

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14 /09.06.2026: Heard the learned counsel representing the petitioners and the learned counsel representing the respondents.

2. The petitioners in this writ petition have prayed to quash the order dated 18.12.2018 passed by the Sub-Divisional Officer, Ghatsila in Misc. Case No. 3 of 2018-19 whereby the Authority has directed to refund the amount received by the petitioners for constructing their house under the Pradhan Mantri Awas Yojna and has also directed to give possession of the land to the respondent no. 6. This order was passed pursuant to the order passed by the High Court vide order dated 10.07.2018 in WP(C) No. 2376 of 2018.

3. One Narayan Mandal, who is respondent no. 6 herein had a grievance that these petitioners had got the Pradhan Mantri Awas Yojna sanctioned but actually they had constructed the

said house over plot nos. 752, 753 and 754 of khata no. 107 which infact belongs to him. It is his case that the said plots were settled in his favour by way of rehabilitation but the petitioners herein by fraudulent means have constructed the house over the said land and have also taken monetary benefit from the said scheme.

4. Ventilating his grievance, Narayan Mandal approached this Court by filing WP(C) No. 2376 of 2018. The aforesaid writ petition was disposed of on 10.07.2018 with a direction to the Sub-Divisional Officer, Ghatshila to take a suitable decision after providing due opportunity of hearing to all the parties concerned.

5. The Sub-Divisional Officer, in compliance of the aforesaid order after hearing the parties vide the impugned order came at a conclusion that the petitioners could not produce any documents to show that they are the owner of the land in question over which the petitioners have constructed house under the Pradhan Mantri Awash Yojna rather the plots belongs to the respondent no. 6. The Sub-Divisional Officer directed the petitioners to refund the amount which they had obtained under the said scheme and also directed to hand over possession of the plots to the respondent no. 6.

6. The petitioners have challenged the aforesaid order on the ground that the Sub-Divisional Officer does not have any power or jurisdiction to decide the title of the parties. By doing so he has exceeded his jurisdiction.

7. During course of argument specific question was put to the petitioners' counsel as to whether the petitioners are the title holder of the land over which house under Pradhan Mantri Awash Yojna was constructed. He on instruction categorically submits the land over which the said construction was made does not belong to them.

8. From the impugned order, it is clear that the petitioners have constructed the house under the Pradhan Mantri Awash

Yojna over the plots which prima-facie does not belong to them. Thus, the Authorities had directed the petitioners to refund the amount and hand over possession of the plots to the respondent no. 6, who is the actual owner of the said land.

9. I find no illegality in the aforesaid order. Once it has been established that the land over which the house was constructed under the Pradhan Mantri Awas Yojna does not belong to the petitioners, they have got no authority to remain in the said construction. Further the construction was made after taking monetary benefit of the said scheme. Once the petitioners have wrongly taken benefit of the said scheme, the amount needs to be refunded to the Government. Thus, I find no illegality in the impugned order.

10. Finding no merit in this writ petition, the same is **dismissed**.

11. If any of the parties has any claim against other, it will be open to them to approach the appropriate Civil Court.

(ANANDA SEN, J.)

09.06.2026
Tanuj/CP-2

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