

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. (Filing) No. 3006 of 2026

1. Kishori Sah
 2. Chandeshwar Sao
 3. Arjun Gope
 4. Razaque Ali @ Md. Razaque Ali
 5. Nezamuddin
 6. Mokhtar Ali @ Mokhtar Mian
 7. Haidar Ali
 8. Laxman Giri
- Appellants

Versus

1. The State of Jharkhand
 2. The Secretary, Land Reforms and Revenue Department, Government of Jharkhand, Ranchi
 3. The Deputy Commissioner, Hazaribagh
 4. The Circle Officer, Daru, Hazaribagh
 5. Subodh Kumar Baidya @ Subodh Kumar Mishra
 6. Ashok Kumar Mishra
 7. Sushil Kumar Mishra
 8. Praween Kumar Mishra
 9. Manju Devi
- Respondents

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants: Mr. Ajit Kumar, Sr. Advocate
Mr. Ranjan Kumar, Advocate
For Respondent Nos.1-4: Mrs. Neeharika Mazumdar, A.C to A.G
For Respondent Nos.5-9: Mr. A. K. Sahani, Advocate

Reserved on 06.07.2026

Pronounced on 14.07.2026

Per: Rajesh Shankar, J The present appeal is directed against the judgment/order dated 22.12.2025 passed in W.P.(C) No. 1615 of 2017 whereby the learned Single Judge has dismissed the writ petition filed by the writ petitioners/appellants.

2. Learned Sr. counsel for the appellants, in course of argument of the present appeal, has pressed an interlocutory application being I.A No. 3692 of 2026 seeking substitution of the respondent No.5, namely, Vishwanath Baidh by his legal representatives.

3. This Court vide order dated 06.07.2026, has allowed the said interlocutory application by observing as under:-

"2. Under a mistake of fact, W.P.(C) No. 1615 of 2017 was disposed of by the learned Single Judge on merits vide order dated 22.12.2025 without noticing that 5th respondent i.e. Vishwanath Baidh had expired on 23.07.2022.

3. In this Letters Patent Appeal, the appellants (original petitioners) have applied for substitution of Vishwanath Baidh by his legal representatives. This is vide I.A. No. 3692 of 2026.

4. Mr A.K. Sahani, learned counsel appears on behalf of the legal representatives of Late Vishwanath Baidh, pursuant to notice issued by this Court. He states on instructions that he has no objection, if this I.A. is allowed and the legal representatives are brought on record and permitted to continue the proceedings. He submits that even a counter affidavit has been filed on behalf of the proposed legal representatives.

5. Considering the above, this I.A. is allowed, the legal representatives of Late Vishwanath Baidh are permitted to come on record of the writ petition as well as this appeal. In short, the legal representatives, are now permitted to represent the estate of Late Vishwanath Baidh.

6. Amendments to be carried out forthwith.

7. Mr. Sahani has filed Vakalatnama and consequently waives service on behalf of the legal representatives.

8. This I.A. is disposed of, in the above terms."

4. Learned Sr. counsel for the writ petitioners/appellants submits that a portion of land under Khata No. 36, Plot No. 1355, measuring an area of 19.60 Acres and Plot Nos. 839 & 842, measuring an area of 05.19 Acres (total 24.79 Acres), situated at Village-Kabilasi, P.S & Circle-Daru, District-Hazaribagh (hereinafter referred to as 'the said land') was settled in favour of the ancestors of the appellants long ago and since then they are in peaceful possession of the same. The said part of land was also mutated in favour of the ancestors of the appellants by issuing rent receipts in their favour by the competent authority.

5. It is further submitted that Late Vishwanath Baidh (original respondent No.5) made an application dated 02.10.2015 to the Member, Board of Revenue,

Jharkhand, Ranchi claiming himself to be the owner of the said land. In response to the said application, the Member, Board of Revenue, Jharkhand issued Letter No. 1314 dated 9.10.2015 requesting the Deputy Commissioner, Hazaribagh (the respondent No.3) to direct the Circle Officer, Daru (the respondent No.4) to issue rent receipt with respect to the said land in favour of the original respondent No.5. Thereafter, the respondent No.3, vide letter as contained in Memo No. 2582 dated 16.10.2015, directed the respondent No.4 to issue rent receipt of the said land in favour of the original respondent No.5 and to submit compliance report within three days. Accordingly, the respondent No.4 initiated a proceeding being Misc. Case No. 2 of 2015-16 and vide order dated 16.10.2015, directed the 'Halka Karamchari' to issue rent receipt of the said land in favour of the deceased respondent.

6. It is further contended that the order dated 16.10.2015 was passed by the respondent No.4 without serving any notice upon the appellants and as such the said order was in complete violation of the principles of natural justice. The appellants and other villagers having come to know about the said fact, made a joint representation dated 06.01.2016 to the Principal Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, Ranchi, which was forwarded to the Board of Revenue, Jharkhand, Ranchi. In response to the said representation as well as the application dated 02.10.2015 filed by the original respondent No.5, the Member, Board of Revenue, Jharkhand vide Letter No. 9 (M) dated 7.1.2016 directed the respondent No.3 to get all the facts verified by a senior and impartial officer before acting upon the earlier Letter No.1314 issued on 9.10.2015. It was further directed that if any Jamabandi was found to have been incorrectly created in the name of the original respondent No.5, the same must be cancelled immediately.

7. It is further argued that the respondent No.4, vide Letter No. 155 dated 22.4.2016, prepared a verification report and sent it to the Additional Collector,

Hazaribagh without issuing any notice to the appellants and on the basis of the said report, the rent receipts from the revenue year 1977-78 to 2015-16 were issued in favour of the original respondent No.5.

8. Learned Sr. counsel for the appellants further submits that the appellants then preferred W.P.(C) No. 1615 of 2017 seeking following reliefs:-

"i. For direction upon the respondents particularly respondent nos. 3 and 4 to take action strictly in view of the direction given by Member, Board of Revenue in its letter no.9 (M) dated 07.01.2016 (as contained in Annexure-3 to this writ application).

ii. To call for and quash the Jamabandi opened/rent receipt issued in favour of respondent no.5 in pursuance of letter no.1314 dated 09.10.2015 issued by the Member, Board of Revenue, Jharkhand, Ranchi.

iii. For direction upon the respondent no.5 restraining him from interfering the peaceful possession of the petitioners and other villagers of the land of Khata no.36, Plot No.1355, 839 and 842 measuring a total area of 24.79 acres situated at village Kabilasi, Circle Daru, District-Hazaribagh.

iv. For any other appropriate relief (s), for which the petitioners may be found entitled in law and equity.

v. For quashing the order bearing memo no.2582/Go. dated 16.10.2015 passed by the Deputy Commissioner, Hazaribagh whereby the said authority has directed the Circle Officer, Daru, District Hazaribagh to issue Government rent receipt for the said land in favour of Vishwanath Baidh (the original respondent No.5) within three days and submit compliance report;

vi. For quashing the order dated 16.10.2015 passed by the Circle Officer, Daru in Misc. Case No. 02/15-16 whereby the said authority directed Halka Karmachari to issue Government rent receipt of the said land."

9. The said writ petition was however dismissed by the learned Single Judge vide the impugned order dated 22.12.2025.

10. It is argued that the learned Single Judge while passing the impugned order dated 22.12.2015, has failed to appreciate the fact that a portion of the said land was settled in the name of the appellants' ancestors more than 90 years ago and since then the appellants/their ancestors have been in possession of the same. The appellants have been residing in their houses constructed over the said land and also cultivating over the part of the land which is their main source of livelihood.

11. It is further contended that the learned Single Judge has also failed to appreciate that the appellants' ancestors had also got their respective portion of the said land mutated and the rent receipts were also issued in their names.

12. It is also submitted that the original respondent No.5 has claimed right, title and interest over the said land on the basis of the forged and fabricated documents and the Member, Board of Revenue, Jharkhand also passed the order dated 09.10.2015 without providing any opportunity of hearing to the appellants. Thus, the said order is in gross violation of the principles of natural justice.

13. It is further submitted that the Member, Board of Revenue, Jharkhand had no jurisdiction to pass the order dated 09.10.2015 for opening Jamabandi in favour of the original respondent No.5 and as such the said order is nullity in the eye of law. Thus, any subsequent action taken by the respondent Nos. 3 & 4 pursuant to the direction of the Member, Board of Revenue, Jharkhand has no legal force.

14. It is also urged that since the rent receipts of the said land had already been issued in favour of the appellants/their ancestors till the year 1995 as well as they had been in possession of the same, there was no occasion to register Miscellaneous Case No. 02/2015-16 in the year 2015 for opening of Jamabandi/issuance of rent receipts in the name of the original respondent No.5.

15. It is further contended that the respondent No.3 had also issued direction to make thorough verification regarding opening of Jamabandi of the said land in the name of the original respondent No.5. The said direction was however not ignored by the constituted team while carrying out the spot verification and the rent

receipts already issued in the name of the appellants and other villagers were also not taken into consideration by the respondent No.4 while submitting the report dated 22.04.2016.

16. In opposition to the aforesaid contentions, the learned counsel appearing on behalf of the substituted respondent Nos. 5 to 9 submits that as per the revenue record i.e. Register-II of Village-Kabilasi, at Page No. 127, corresponding to running Page No. 49 (old Register-II Page Nos. 89 & 90), the Jamabandi of the said land was opened in the name of the original respondent No.5 vide Misc. Case No. 17 of 1964-65 and Misc. Case No. 18 of 1964-65. Thereafter, the original respondent No.5 paid the rent of the said land from 1965-66 to 1976-77 for which rent receipts were also issued in his favour by the competent authority.

17. It is further submitted that the original respondent No.5 made an application before the respondent No.4 on 17.08.2015 requesting inter alia to accept the rent of the said land as well as to issue rent receipts in his favour. He also filed an application before the respondent No.3 on 21.08.2015 seeking direction to the respondent No.4 to accept the rent of the said land by issuing rent receipts in his favour from revenue year 1977-78.

18. It is further contended that the rent of the said land not being accepted by the respondent No.4, the original respondent No.5 made a representation to the Member, Board of Revenue, Jharkhand, Ranchi on 02.10.2015 seeking an appropriate direction to the respondent No.4 to issue rent receipt of the said land. Thereafter, the Member, Board of Revenue, Jharkhand vide letter No. 1314 dated 09.10.2015, requested the respondent No.3 to issue direction to the respondent No.4 to issue rent receipt of the said land to the original respondent No.5 and to submit compliance report within a fortnight.

19. It is also submitted that the respondent No.3 issued a letter as contained in Memo No. 2582 dated 16.10.2015 directing the respondent No.4 to take appropriate steps in the matter for issuance of rent receipt of the said land in

favour of the original respondent No.5 and to submit compliance report within three days.

20. It is further contended that on the basis of the direction of the respondent No.3 issued vide Memo No. 2582 dated 16.10.2015 as well as in pursuance of the letter of the Member, Board of Revenue, Jharkhand dated 09.10.2015, the respondent No.4 initiated a proceeding being Misc. Case No. 2 of 2015-16 and after verification of the relevant records, directed the Halka Karamchari to issue rent receipts of the said land in favour of the deceased respondent.

21. It is further submitted that an enquiry report with respect to opening of Jamabandi of the said land in favour of the original respondent No.5 was submitted by the respondent No.4 to the Additional Collector, Hazaribagh vide Letter No. 155 dated 22.04.2016 stating that out of total area of 60.28 Acres of land appertaining to Plot Nos. 839, 842 & 1355 under Khata No. 36 of Mouza-Kavilashi, the Jamabandi of the said land measuring an area of 24.79 Acres was created in favour of the original respondent No.5 in terms with the orders passed in Misc. Case No. 17 of 1964-65 and Misc. Case No. 18 of 1964-65 and entered at Page Nos. 89 & 90 of Register-II in the revenue year 1964-65.

22. It is also submitted that a team consisting of the Additional Collector, Hazaribagh, Block Development Officer-cum-Circle Officer, Daru, Hazaribagh, Circle Inspector, 'Halka Karamchari' and 'Anchal Amin' (In-charge) went along with Police force for spot verification and conducted enquiry in presence of the villagers. In course of enquiry, it was found that the original respondent No.5 was in cultivating possession of the said land measuring an area of 24.79 Acres. It was also mentioned in the enquiry report that the rent receipts were earlier issued in the name of the original respondent No.5 and no new Jamabandi was created in his favour with respect to the said land. Therefore, the allegations made in the complaint filed by Shri Kishori Sah and others were found incorrect. It was also observed in the enquiry report that the complainants were asked to produce the

documents in support of their claims, but the documents produced by them were found to be incomplete and incorrect. It was further mentioned inter alia that the lands possessed by the original respondent No.5 were beyond the forest area.

23. Learned counsel for the respondent Nos. 5 to 9 also submits that in compliance of Letter No. 947 dated 30.01.2017 issued by the Additional Collector, Hazaribagh, the respondent No.4 vide Letter No. 32 dated 08.02.2017, submitted a report to the Sub-Divisional Officer, Sadar, Hazaribagh mentioning that no new Jamabandi was opened in favour of the original respondent No.5, rather a Jamabandi had already been created in his favour in the revenue year 1964-65 itself, which had been entered at Page Nos. 89 & 90 of the old Register-II. Moreover, the rent receipts for the revenue years 1964-65 to 1976-77 had also been issued in his favour pursuant to opening of Jamabandi vide Misc. Case Nos. 17/64-65 & 18/64-65.

24. It is further submitted that the rent receipts of the said land from 1977-78 to 2015-16 and 2016-17 have been issued in favour of the original respondent No.5 after duly verifying the revenue records maintained in the office of the respondent No.4 as well as on the basis of spot verification conducted by a team consisting of the Additional Collector, Hazaribagh, Block Development Officer-cum-Circle Officer, Daru, Hazaribagh, Circle Inspector, 'Halka Karamchari' and 'Anchal Amin' (In-charge) in the presence of Police force.

25. Learned counsel appearing on behalf of the State-respondents submits that the appellants were provided ample opportunity to present their version and they were also heard in course of enquiry. It is further submitted that the appellants presented forged and fabricated documents of Hukumnama said to have been issued by the then landlords, namely, Dashrath Singh, Most. Dharo Kunwari and others in favour of their ancestors i.e. Chaman Mahto and others. In course of enquiry, it was also found that the said land settled in favour of the deceased respondent was out of the notified forest area. Though the nature of the said land

was recorded as 'Jungle-Jhari', however, in course of time, its nature got changed to 'raiya' agricultural land.

26. Heard learned counsel for the parties and perused the relevant materials available on record.

27. Thrust of the argument of learned Sr. counsel for the appellants is that the 'Jamabandi' of the said land was opened in the name of original respondent No.5 pursuant to the direction issued by the Member, Board of Revenue, Jharkhand that too on the basis of the forged documents without affording any opportunity of hearing to the appellants, though a portion of the said land was settled in favour of the ancestors of the appellants long ago and they were in possession of the same.

28. On perusal of the record, it would be evident that the Jamabandi of the said land was opened in the name of original respondent No.5 in the year 1965 vide Misc. Case No. 17 of 1964-65 and Misc. Case No. 18 of 1964-65. Subsequently, rent receipts of the said land were also issued in his favour from 1964-65 to 1976-77. In the year 2015, the original respondent No.5 made an application before the respondent No.4 for acceptance of rent and issuance of rent receipt of the said land, however, the respondent No.4 did not act upon the said application. Thereafter, the original respondent No.5 made an application before the respondent No.3, who also did not respond to it. The original respondent No.5 then filed an application before the Member, Board of Revenue, Jharkhand seeking issuance of direction upon the respondent No. 4 to issue rent receipt of the said land in his favour.

29. The Member, Board of Revenue, vide order as contained in letter dated 09.10.2015, directed the respondent No.3 to take initiative for issuing rent receipt to the original respondent No.5. The respondent No.3 vide letter as contained in Memo No. 2582 dated 16.10.2015, directed the respondent No.4 to issue rent receipt of the said land in favour of the original respondent No.5 and only

thereafter, the respondent No.4 directed the 'Halka Karamchari' to issue rent receipt in favour of the original respondent No.5.

30. Thus, the claim of the appellants that the Jamabandi was opened in favour of the original respondent No.5 pursuant to the direction issued by the Member, Board of Revenue, Jharkhand is factually incorrect. The true fact is that the Jamabandi of the said land had been opened in the name of the original respondent No.5 in the year 1965 itself and the rent receipts of the same had also been issued in his favour for the revenue years 1964-65 to 1976-77. Moreover, the Member, Board of Revenue, Jharkhand, vide order dated 09.10.2015, only directed to issue rent receipts of the said land in favour of the original respondent No.5 as its Jamabandi was running in his name since 1965.

31. We do not find any infirmity in the said order of the Member, Board of Revenue, Jharkhand in view of the settled position of law that once the Jamabandi of any land is opened in favour of any 'raiyat', the revenue authorities are duty bound to accept the rent of that land and to issue rent receipts. They cannot stop issuing rent receipt without any order of a competent Court of law cancelling the Jamabandi.

32. In the present case, the appellants have failed to show any order of the competent Court of law cancelling the Jamabandi created in favour of the original respondent No.5 in the year 1965.

33. As regards the appellants' contention with respect to not providing them opportunity of hearing, we are of the considered view that no such opportunity is required to be granted to any third person before issuing rent receipt in favour of a person in whose name Jamabandi of the land is running. In the present case, since the Jamabandi was already running in the name of the original respondent No.5, there was no need to grant opportunity of hearing to the appellants before issuing the rent receipts in favour of the original respondent No.5.

34. Moreover, pursuant to the objection raised by the appellants and other villagers, the subject matter of issuance of rent receipts of the said land in favour of the original respondent No.5, came to the notice of the Member, Board of Revenue, Jharkhand, who thereafter vide letter dated 07.01.2016, directed the respondent No.3 to put further action on hold pursuant to his earlier order as contained in Letter No. 1314 dated 09.10.2015 till finalization of enquiry in the matter and to cancel illegal Jamabandi, if any, opened in the name of the original respondent No.5.

35. Thereafter, a spot verification was made by a team consisting of the Additional Collector, Hazaribagh, Block Development Officer-cum-Circle Officer, Daru, Hazaribagh, Circle Inspector, 'Halka Karamchari' and 'Anchal Amin' (In-charge) in presence of Police force and villagers. During the spot verification, it was found that the Jamabandi of the said land had already been opened in the name of the original respondent No.5 in the year 1965 itself and he was also found in possession of the same. During the enquiry, notices were also issued to the illegal occupants, who produced certain documents in support of their claims, however, the those were found forged and incomplete. During the enquiry, the appellants' claim that 'Aahar', Graveyard, 'Chhat Ghat', 'Karbla' etc. were situated over the portion of the said land, was also found false. It may thus be construed that the rent receipts for subsequent years were issued in favour of the original respondent No.5 only after due enquiry made by the said team.

36. There is no provision under the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973 [hereinafter referred to as 'the Act, 1973'] to cancel Jamabandi running in favour of a raiyat and in absence of any provision, such Jamabandi cannot be cancelled by any authority of the State. If such action is taken by the revenue authorities in absence of any provision in the statute, the same will be nullity in the eye of law being without jurisdiction. It is well settled that a long

running Jamabandi cannot be cancelled, except by filing a suit in the competent Court of civil jurisdiction.

37. In the case of **State of Jharkhand, through the Chief Secretary & Others Vs. Izhar Hussain**, reported in **2020 SCC OnLine Jhar 1978**, a Co-ordinate Bench of this court has held as under:-

"19. -----

It is further settled position of law that Jamabandi once created cannot be annulled. Herein it is admitted fact that Jamabandi can be created under the provisions of Bihar Tenants Holdings (Maintenance of Records) Act, 1973. We have gone across the provisions thereof, as contained in the Act, 1973 and have found that no provision confer upon any authority of the State to cancel the Jamabandi. The question would be that in absence of any power conferred by Statute upon any of the revenue authority can Jamabandi be cancelled. The answer of this question would be in negative as statute confers power upon the authority and the authority can purportedly exercise the power conferred upon it under the statutory power and if any decision is taken in absence of any provision the same would be said to be nullity in the eye of law when found to be without jurisdiction.

It is further settled that long running Jamabandi cannot be cancelled, save and except by filing a suit before the competent Court of Civil Jurisdiction, as has been held by Hon'ble Apex Court in Ramayan Yadav & Ors Vs. State of Bihar & Ors reported in (2013) 3 PLJR 533.

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38. We have also perused another judgment of the Co-ordinate Bench of this Court rendered in the case of **Mahabir Mahto & Others Vs. The State of Jharkhand & Ors.**, reported in **2012 SCC OnLine Jhar 1290**. The fact of the said case was that the names of the writ petitioners were entered in the revenue record several years back. The appellants were not claiming title through the writ petitioners and therefore had a rival claim adverse to the writ petitioners. The learned Bench taking note of various provisions of the Act, 1973, held that a person cannot claim mutation having totally adverse interest to a person whose name is entered in the revenue record. It was further held that in a mutation

proceeding, neither any declaration can be made with respect to the right, title and interest of any party nor any decree/order of possession can be passed so as to give possession to one party by evicting the other party, notwithstanding that he has a valid and legal document of transfer of land.

39. In the present case also, the appellants are not claiming right, title and interest over the land in question through the original respondent No.5, rather they have rival and adverse claim against him as well as his successors i.e. the respondent Nos. 5 to 10. Thus, the revenue authorities have no jurisdiction to decide the dispute with respect to the right, title and interest of the parties over the said land. They have also no jurisdiction to cancel the long running Jamabandi of the said land already opened in the name of the original respondent No.5.

40. In view of the discussions made hereinabove, we do not find any infirmity in the impugned order dated 22.12.2025 passed by learned Single Judge in W.P.(C) No. 1615 of 2017. The appellants are however at liberty to take other remedies as permissible under law.

41. The present appeal being devoid of merit is, accordingly, dismissed.

42. Pending interlocutory application(s), if any, will not survive and is disposed of.

(M.S. Sonak, C.J.)

(RAJESH SHANKAR, J.)

14.07.2026

Satish/AFR

Uploaded on 14.07.2026