2026:JHHC:24091

IN THE HIGH COURT OF JHARKHAND AT RANCHI

WP(C) No.1569 of 2020

Sanjiv Kumar Sinha, son of Sri Awadh Kishore Sinha, resident of village and Mouza Janakpur, Tola Pathalchapti (infront of Anganbari Kendra), Panchayat Nawadi, PO Rohini, PS Jasidih, District Deoghar, Jharkhand **… Petitioner(s).**

Versus

1.The State of Jharkhand
2.Deputy Commissioner, Deoghar
3.Executive Officer, Deoghar Municipal Corporation, PO and PS Deoghar Town, District Deoghar
4.Usha Real Structures Pvt. Ltd. Brajdhaw Bilasi Town through its proprietor, PO and PS Deoghar Town, District Deoghar

… Respondent(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Ankit Kumar, Advocate
For the State : Mr. Tarun Kr. Mahato, AC to AG
For Resp. No. 3 : Mr. Vijay Shankar Jha, Advocate

…....

09 /12.08.2026: Heard the learned counsel representing the petitioner and the learned counsel representing the respondents.

2. By filing this writ petition, the petitioner had prayed for the following reliefs:

(a) For a direction upon the respondent authorities to take appropriate action against the concerned officers of the Deoghar Municipal Corporation along with the contractor who were involved in the illegal construction of the Plain Cement Concrete Road over the land of the petitioner without legally acquiring the same by due process.

(b) For a direction upon the respondent authorities to pay the appropriate compensation for the land of the petitioner on the prevailing market rate as well as penal compensation for the illegally constructing the road over the land of the petitioner without acquiring the same.

3. It is the grievance of the petitioner that over the land of the petitioner PCC road has been constructed.

4. Considering the submission of the petitioner, this Court on 21.04.2026 directed the Deputy Commissioner, Deoghar to conduct an inquiry and send a report to this Court as to whether

the land of the petitioner has been utilized for construction of PCC road or not.

5. The Deputy Commissioner, Deoghar has conducted an inquiry and thereafter sent a report to this Court. As per the said report in the continuous khatian of Mauza-Janakpur, Thana No. 278, Gairmazarua Khata No. 58, Plot No. 58 total area 2 acres 8 decimal is shown as Gochar land.

6. Further as per the said report over the said Gochar land the Municipality has constructed a PCC road. It has also been mentioned in the said report that over a part of the Gochar Land the petitioner-Sanjiv Kumar Sinha has constructed a washroom with bamboos and has made some encroachment for which Encroachment Case No. 08/2019-20 was initiated and order was passed on 07.09.2020 against the petitioner to remove the encroachment.

7. In the report it is apparent that the petitioner has also produced the document i.e. revisional survey report and other documents in support of his claim. In return it has been reported as the same is mentioned as Basauri settled to plot no. 58/A but in the report the Deputy Commissioner has come to a finding that it is not a Basauri Land.

8. Considering all these aspects, I find that there is serious disputed question of fact involved in this case thus the relief as claimed by the petitioner cannot be granted in this writ petition.

9. The petitioner, if so adviced, may approach the Civil Court having competent jurisdiction for claiming his right, title and interest and where the title of the land can be declared in favour of the petitioner. Thereafter the petitioner may claim compensation from the government for utilizing the same land.

10. With the aforesaid observation and direction, this writ petition is **disposed of**.

(ANANDA SEN, J.)

12.08.2026
Tanuj/CP-2
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