2026:JHHC:7726

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 1017 of 2023

Ram Lal Sao, S/o Late Naresh Prasad, R/o Village Tisibar, P.O. Tisibar, P.S. Pandu, Dist- Palamau

.... Petitioner(s).

Versus

1.State of Jharkhand
2.The Deputy Commissioner, Palamau
3.The Additional Collector, Palamau
4.The Deputy Collector Land Reforms Sadar Medninagar, P.O. & P.S. Palamau, Dist Palamau
5.The Circle Officer, Bishrampur, P.O. & P.S. Bishrampur, Dist Palamau
6.Mangani Sao, S/o Late Mewa Sao, R/o Village Tisibar, P.O- Tisibar, P.S. Pandu, Dist Palamau
7.Dwarika Prasad
8.Anil Prasad
No.7 & 8 sons of Late Naresh Prasad,
9.Udai Parasad
10.Gopal Prasad
11.Suresh Prasad
No.9 to 11 sons of Late Luxman Prasad
12.Lakhan Sao, S/o Jhagar Sao
13.Ghutan Sao, S/o Dukhan Sao
14.Maheshwar Sao
15.Ram Sawak Sao
16.Raj Nath Sao
17.Baijnath Sao
No.12 to 17 all sons of Jai Shree Sao
No.7 to 17 all R/o Village P.O.- Tisibar, P.S. Pandu, Dist Palamau

… Respondent(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Vijay Shankar Prasad, Advocate
For the State : Mr. Aditya Raman, AC to GA-III
For the Resp No.6 : Mr. Arun Kumar Dubey, Advocate
Mr. Gyan Prakash Tiwari, Advocate

…….

09 / 19.03.2026: Heard, learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent No.6.

2. Petitioner is challenging the order dated 21.10.2016 passed by the Additional Collector, Palamau in Mutation Revision No.XV/15/2016-17, whereby a separate demand in the name of the respondent No.6 has been opened.

3. Learned counsel for the petitioner submits that in respect of a joint family property and without there being any partition, a separate demand has been opened in the name of respondent No.6. He submits that there is dispute in relation to title also.

It is his contention that on this background the State could not have open the separate *jamabandi* in the name of respondent No.6.

4. Learned counsel appearing on behalf of respondent No.6 submits that the *jamabandi* was opened on the basis of some mutual partitions between the legal heirs of the raiyat. He further submits that the portion of the land which fell in their share was only mutated and separate *jamabandi* was opened but not in respect of entire property.

5. Considering the submission of the parties, I find that the dispute primarily is in respect of right, title and possession and also in respect of respective share of the parties, which cannot be decided in this application filed under Article 226 of the Constitution of India. Further opening of the *jamabandi* does not create any title in favour of the parties.

6. Thus, considering the nature of the dispute which necessarily a disputed involving question of fact and also involves deciding of right, title and interest of the parties over the land, I direct the petitioner to approach the Civil Court of competent jurisdiction. Once the Civil Court decides the right of the parties, the issue in respect of opening *jamabandi* will be decided based on the judgment passed by the Civil Court.

7. The impugned demand which has been opened will be subject to the decision passed by the Civil Court.

8. With the aforesaid observation, the instant writ petition stands disposed of.

(ANANDA SEN, J.)

19th March, 2026
R.S./
Uploaded on 23/03/2026