IN THE HIGH COURT OF JHARKHAND AT RANCHI
WP(C) No.5500 of 2008

1. Ram Chandra Gope, S/o Late Dhanu Gope
2. Bhuneshwar Yadav, S/o Late Dhanu Gope
3. Kishun Yadav, S/o Late Dhanu Gope
   Resident of Village Nathpur, PO & PS Ghaghra, District – Gumla
   … Petitioners

Versus

1. The State of Jharkhand
2. Deputy Commissioner, Gumla.
3. Land Reforms Deputy Collector, Gumla
4. Circle Officer, Ghaghra, Anchal, District – Gumla
5. (i) Muni Devi, W/o Late Bishwanth Gope
   (ii) Umawati Kumari, D/o Late Biswanath Gope
   (iii) Saneha Kumari, D/o Late Bishwanath Gope
   (iv) Satyam Kumar Yadav, S/o Late Bishwanath Gope
   (v) Uttam Kumar Yadav, S/o Late Bishwanath Yadav
6. (i) Muni Devi, W/o Late Sudheswari Gope
   (ii) Soma Devi, D/o Late Sudheshwari Gope
   (iii) Pyari Devi, D/o Late Sudheshwari Gope
   (iv) Rita Devi, D/o Late Sudheshwari Gope
   (v) Shivam Yadav, S/o Late Sudheshwari Gope
   Respondents No.5 and 6 both are resident of village Nathpur, P.S. Ghoghra, District – Gumla. … Respondents

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Arun Kumar, Advocate.
For the Respondent State : Mr. Prashant Kr. Rai, Advocate
For the Respondent No.5 & 6 : Mr. Sandeep Verma, Advocate

10/23.03.2026 Heard learned counsel appearing for the petitioners, learned counsel appearing for the State and learned counsel appearing for the private respondent No.5 & 6.

2. This writ petition has been filed under Article 226 of the Constitution of India for quashing of the Order dated 9.9.2008 passed by the learned Deputy Commissioner, Gumla, Respondent No.2 in Revenue Rev. No.23 of 2007, by which the respondent No.2 set aside the order dated 12.6.2007 passed in Mutation Appeal No.26/06-07 whereby the respondent No.3 cancelled the Order of Mutation passed

in favour of the petitioners. The prayer is also made for quashing of the Order dated 24.11.1994 and 5.12.1994 passed by the Circle Officer, Ghaghra Anchal, Gumla in Mutation Case No.97/1994-95, by which the respondent No.4 allowed the Mutation Case and mutated the land in question in favour of the Respondent No.5 and 6.

3. Mr. Arun Kumar, learned counsel appearing for the petitioners submits that the land under Khata No.80 Plot No.715 area 0.72 Acre of Village Nathpur, P.S. Ghaghra P.S. No.37 was raiyati land of Dukhan Ahir Son of Pachuwa Ahir. Dukhan Ahir died leaving behind his son Jagdayal Mahto. He next submits that the Jagdayal Mahto has executed a conditional sale-deed being no. 1558 in favour of Ramjee Mahto, in which it had been agreed between Jagdayal Mahto and Ramjee Mahto that the conditional Sale will absolute Sale, if the Vendor failed to repay the consideration amount within 10 years, which was to be completed on 22.04.1979. He next submits that the Jagdayal Mahto returned the entire consideration amount in the month of June 1975 to said Ramjee Mahto, but Ramjee Mahto did not hand over the conditional sale-deed to Jagdayal Mahto, however the possession of the land was given to the Jagdayal Mahto in June 1975 itself. He next submits that the Jagdayal Mahto died in the year 1989 leaving behind his son Bal Kishun Mahto and Bal Kishun Mahto become absolute owner and transferred the aforesaid land to the petitioners on 5.9.1994 vide sale deed No.1760/1994 on valuable consideration and thereafter the petitioners are in possession over the land in question.

4. He next submits that the petitioners have also applied for Mutation, however, it has been disclosed that the name of father of the Respondents No. 5 and 6 have already been mutated on 24.11.1994 and 5.12.1994 vide Mutation Case No.97/94-95. Thereafter the petitioners preferred an appeal before the land Reforms Deputy Collector against the said Order dated 24.11.1994 and 5.12.1994, which was registered as Mutation Appeal No.26/2006-2007 and the appeal was allowed and cancelled the Mutation of the Respondents No.5 and 6 and quashed the order dated 24.11.1994 and 5.12.1994 passed by the Respondent No.4. Respondents No.5 & 6 aggrieved to the said order, preferred the Revenue Revision Case No.23 of 2007 and by the impugned order, learned Deputy Commissioner has been pleased to set-aside the order of the appellate Court.

5. Mr. Arun Kumar, learned counsel appearing for the petitioners further submits that the learned Deputy Commissioner has erroneously passed the said order and did not appreciate the fact, in view of that impugned order may kindly be set-aside.

6. Learned counsel appearing for the State submits that the mutation in favour of Respondent No.5 & 6 was done in the year 1994, wherein the appeal was filed in the year 2006-07, i.e. after 12 years, whereas the limitation of filing of the appeal is of 30 days. He next submits that the learned Deputy Commissioner has rightly hold that so far the title and interest are concerned, that can not be subject matter of Revenue Authority, only the competent court of the civil jurisdiction can decide the same. He next submits that there is no

illegality in the order and the writ petition may kindly be dismissed.

7. Mr. Verma, learned counsel appearing for the respondents No.5 & 6 submits that the appeal before the learned LRDR, the petitioner herein has not filed any chit/ receipt of money, which was returned to the Jagdayal Mahto. He also submits that the petitioners are claiming that the consideration amount of money, which was given in conditional sale deed No.1558/69 dated 24.04.1969, has been returned, but no chit of receipt by which the money was returned has been produced before the authority concerned. He next submits that the proceeding under Section 144 CrPC has been started which was dropped with observation that the revenue court has no jurisdiction regarding title to entertain the application for mutation by order dated 09.09.2008. He also submits that the sale deed was in favour of the ancestors of Respondent No.5 & 6 executed in the year 1969 and the mutation was already done in favour of ancestors of Respondent No.5 & 6, wherein the appeal was preferred in the year 2006-07. He then submits that the learned Deputy Commissioner has rightly passed the order saying that the disputed title cannot be subject matter to be preferred before the Revenue Authority. On these grounds, he submits that this writ petition may kindly be dismissed.

8. The sale deed of 1969 is not in dispute and it is a conditional sale deed and it has a condition that if the consideration amount was not returned to the Jagdayal Mahto, it will made absolute in favour of Respondent No.5 & 6. Before the authority concerned, no chit paper or receipt with regard to the said consideration amount has been

brought and that is also not annexed with the present writ petition. The limitation of filing the appeal is of 30 days, the mutation was done in the year 1969 in favour of Respondent No.5 & 6, wherein the appeal has been preferred in the year 2006-07 and from the appellate order, it also transpires that the said order was passed without condoning the said delay. In these backgrounds, it transpires that there is dispute between both the sides with regard to the said sale-deed, on which they are fighting for mutation of the land in question. The learned Deputy Commissioner has rightly held that the for the disputed title, the revenue authority is not authorized to sit and decide the case. This Court finds that the learned Deputy Commissioner has rightly passed the said order and in view of disputes, that can be decided only by competent court of civil jurisdiction.

9. There is no illegality in the order dated 09.09.2008 of the learned Deputy Commissioner, Gumla in Revenue Revision No.23 of 2007. As Such, this writ petition is dismissed.

(Sanjay Kumar Dwivedi, J.)

23.03.2026
R.Kumar