IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1714 of 2022

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1. Banarshi Rana @ Banarsi Yadav @ Banarasi Rana, S/o - Late Jyotish Rana @ Jotis Rana, resident of village- Bara Kundi, PO and PS -Saraiyahaat, District - Dumka.
2. Wakil Rana @ Vakil Prasad Yadav, S/o- Late Muso Rana @ Masudan Prasad Yadav, resident of village - Shreerampur, Raykanali, PO and PS- Jarmundi, District Dumka

……Petitioner(s)

Versus

1. The State of Jharkhand.
2. Commissioner, Santhal Pargana Division, PO and PS- Dumka, District - Dumka.
3. Charge officer, Dumka, PO and PS- Dumka, District Dumka.
4. Awdhesh Yadav @ Awdesh Yadav, S/o- Late Gandhi Yadav, resident of village - Pandekesho, PO and PS- Saraiyahaat, District - Dumka.

…....Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Vishal Kr. Rai, Advocate
For the State : Mr. Om Prakash Tiwari, GP-III

….....

11/16.09.2026: By way of filing this writ petition, the petitioners have sought for following reliefs :-

> *"i. Issuance of the Writ of Certiorari to quash and set aside the order dated 27.01.22 (Annexure-5) passed by Commissioner, Santhal Pargana Division, Dumka in Title Appeal no. 10/1990-91, confirming the Judgment and decree dated 04.09.90 (Annexure-3 Series) passed by Charge officer no.1, Santhal Pargana, Dumka in Title Appeal no. 11 of 1987.*
> *ii. For issuance of the Writ of Certiorari to quash and set aside the Judgment and decree dated 04.09.90 (Annexure-3-Series) passed by Charge officer no.1, Santhal Pargana, Dumka in Title Appeal no. 11 of 1987 whereby and whereunder the order dated 11.12.86 passed by the Assistant Settlement Officer, Dumka in Title Partition Suit 56/77 was set aside."*

2. The petitioners claim to be the great-grandsons of Late Bipin Rana, the recorded tenant, who held lands in Mouzas Rampur, Burkundi and Domuhani. Late Bipin Rana had three sons, namely, Chourasi Rana, Gulo Rana and Milo Rana. Chourasi Rana died in 1954 leaving behind two sons, Jyotish

Rana and Muso Rana, through whom the present petitioners claim their interest by succession. Gulo Rana died leaving behind his daughter, Kalri Choudharain, who subsequently instituted Title Partition Suit No. 56/77 in respect of lands recorded in the name of Bipin Rana. During the said proceeding, the defendants sought amendment of their written statement regarding the date of death of Gulo Rana. The amendment was initially rejected but the same was allowed in revision, and the Assistant Settlement Officer, finally after considering the evidence and documents on record, dismissed the suit on 11.12.1986, inter alia, holding that Gulo Rana had died before 1956. Against the said order, Kalri Choudharain preferred Title Appeal No. 11/1987, which was allowed by the Charge Officer-I by judgment and decree dated 04.09.1990. Thereafter, the predecessors of the present petitioners, against this order, preferred Title Appeal No. 10/1990-91 before the Commissioner, Santhal Pargana Division, which was dismissed by order dated 27.01.2022, thus this writ petition.

3. Learned counsel for the petitioners submits that Gulo Rana died on 15.05.1946, prior to the commencement of the Hindu Succession Act, 1956, and therefore the claim of his daughter, Kalri Choudharain, is required to be considered in the light of the succession applicable on the date of his death. The petitioners dispute, inter alia, the finding regarding the date of death of Gulo Rana and contend that the authorities failed to properly appreciate the certified copy of death register, oral evidence and other material relied upon by them.

4. Learned counsel for the State submits that the petitioners have failed to demonstrate any legally sustainable ground for interference under Article 226. It is contended that the dispute essentially concerns the date of death of Gulo Rana and the consequent right of his daughter, Kalri Choudharain, in the

ancestral property, which essentially involves appreciation of oral and documentary evidence which cannot be done by this Court exercising jurisdiction under Article 226 of the Constitution of India. He submits that the courts have held that Gulo Rana died after 1956 which is a question of fact.

5. Heard, learned counsel for the parties and perused the materials on record. The petitioners challenge the judgment and decree dated 04.09.1990 passed in Title Appeal No. 11 of 1987 and the subsequent order dated 27.01.2022 passed by the Commissioner, Santhal Pargana Division, Dumka in Title Appeal No. 10/1990-91. The dispute essentially relates to the date of death of Gulo Rana and the consequential claim of his daughter, Kalri Choudharain, in the property in question. The grounds raised by the petitioners principally seek reconsideration of the evidence, including the death register, oral testimony and other materials, on the basis of which the authorities below recorded their respective findings.

6. The issues raised by the petitioners in this application is to decide what would be the actual date of death of the deceased. This is an essential question of fact. The court of facts have already considered the evidence and arrived at the conclusion that the deceased died after 1956. This finding of facts cannot be interfered in an application filed under article 226 of the Constitution nor evidence can be reappreciated as an appellate court.

7. Accordingly, the writ petition is **dismissed**

8. However, it will be open to the petitioners to approach the Civil Court of competent jurisdiction for redressal of their grievances, in accordance with law.

(ANANDA SEN, J.)

16th September, 2026
R.S./
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