IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 2808 of 2012

Santosh Sharma, wife of Dinanath Prasad, resident of C-7, Central Ashoka Colony, Opposite Road No.3, Ashok Nagar, P.O. Ashok Nagar, P.S. Argora, District Ranchi .... …. Petitioner

Versus

1. The State of Jharkhand through Deputy Commissioner, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi
2. The Additional Collector Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi
3. Scheduled Area Regulation Officer, Ranchi P.O. G.P.O., P.S. Kotwali, District Ranchi
4. Budhua Oraon, son of Mahadeo Oraon, resident of Argora, P.O. and P.S. Argora, District Ranchi
5. Banti Oraon
6. Akash Oraon

Both resident of Argora Bali Bagicha, Ranchi

.... Respondents

With

W.P. (C) No. 2764 of 2012
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1. Raj Kumar Singh, son of Late Ramdeo Singh Resident of P.O. and P.S. Argora, District Ranchi
2. Smt. Anandi Devi, wife of Sri Hanuman Prasad Mishra, resident of C/6, Central Ashoka, Opposite Road No.3, Ashok Nagar, P.O. and P.S. Argora, District Ranchi
3. Akhilesh Kumar Sinha, son of Late Badri Narayan Sinha, resident of B/11, Central Ashok Colony, Opposite Road No.3, Ashok Nagar, P.O. and P.S. Ranchi, District Ranchi .... …. Petitioners

Versus

1. The State of Jharkhand through Deputy Commissioner, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi
2. The Additional Collector Ranchi, P.O., P.S. and District Ranchi
3. Scheduled Area Regulation Officer, Ranchi, P.O., P.S. and District Ranchi
4. Budhua Oraon, son of Mahadeo Oraon, resident of Argora, P.O. and P.S. Argora, District Ranchi .... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Manjul Prasad, Sr. Advocate
Mr. Akhouri Prakhar Sinha, Advocate
Mr. Aman Kedia, Advocate
(In Both Cases)

For the State : Mr. Divyam, A.C. to S.C. IV

For the Res. Nos.5&6 : Mr. P.P.N. Roy, Sr. Advocate
Ms. Sakshi Charu, Advocate
Ms. Kavita Kumari, Advocate
Mr. P.A.N. Roy, Advocate
[In W.P.(C) No.2808 of 2012]

25/15.09.2026 Both the writ petitions are arising out of the same impugned order and in view of that these writ petitions have been tagged together by the earlier order by the co-ordinate Bench of this court.

2. Heard Mr. Manjul Prasad, learned senior counsel appearing for the petitioners in both the writ petitions and Mr. P.P.N. Roy, learned senior counsel appearing for respondent nos.5 and 6 in W.P.(C) No.2808 of 2012.

3. In W.P.(C) No.2808 of 2012, notice upon respondent no.4 has already been effected, however, respondent no.4 has chosen not to appear despite of valid service of notice.

4. In W.P.(C) No.2764 of 2012, despite of service of notice, private respondent no.4 did not appear and thereafter, by order dated 28.07.2016 paper publication was directed to be done and that has been published and paper publication has been brought on record by way of filing supplementary affidavit, in spite of that private respondent no.4 in W.P.(C) No.2764 of 2012 has chosen not appear.

5. As such both the writ petitions are being decided by this common order in absence of respondents, who have chosen not appear.

6. These writ petitions have been filed under Article 226 of the Constitution of India wherein prayer has been made for quashing the order dated 29.02.2012 passed in S.A.R. Case No.70/92-93, 21/93-94 and 29/92-93 which was decided by the common order by respondent no.3 whereby respondent no.3 has been pleased to direct the petitioners and others to pay compensation @ Rs.2,70,000/- per decimal under 2nd Proviso of Section 71-A Chota Nagpur Tenancy Act though held that the land in dispute is Chhaparbandi in nature.

7. In W.P.(C) No.2764 of 2012, I.A. No.4996 of 2015 was filed praying therein to implead Akhilesh Kumar Sinha as the petitioner no.3 in view of the facts relating to the said S.A.R. case which was allowed by the co-ordinate Bench of this court by order dated 12.03.2024.

8. Learned counsel appearing for the petitioners shall array Akhilesh Kumar Sinha as petitioner no.3 in W.P.(C) No.2764 of 2012 forthwith.

9. Mr. Manjul Prasad, learned senior counsel appearing for the petitioners submits that in W.P.(C) No.2808 of 2012, the petitioner has

purchased the land measuring 3½ Kattha pertaining to R.S. Plot No.2079 & 2080, sub Plot No.2079 & 2080/C-7 out of 12½ decimal of Khata No.66 situated in Argora, Thana No.207, P.S. Argora, District Ranchi, through registered Sale deed No.7134, dated 28.06.1989 which was duly registered at D.S.R., Ranchi, from Rupam Sahkari Girih Nirman Samittee (A Registered Society under Bihar and Orissa Co-operative Society Act).

10. He further submits that in W.P.(C) No.2764 of 2012, petitioner no. 1 purchased 2 Khatas 7 Chhatak 27 sq. ft. equivalent to 1718 sq. ft. in Plot No. 2079 (Sub Plot No. 2079 B/2) vide sale deed dated 28.06.1989 from the aforesaid Samittee and got mutated his name vide Case No.1075-R/89-90. Petitioner no. 2 in the said writ petition had purchased 3 Khata of land in Plot No. 2080 under Khata No. 66 (Sub-Plot No. 2086/C6) from Sardar Balbir Singh father of Late Kamaljit Singh Rajpal vide sale deed no. 5416 dated 19.05.2001, who in turn had purchased the aforesaid area from the Samittee vide registered sale deed no.7131 dated 26.08.1989.

11. Petitioner no.3 was also one of the member of Rupam Sahkari Girih Nirman Samittee and purchased 2 Katha 4 Chhatak 5 Sq. ft. in R.S. Plot No.2078/3-4 of Plot No.2078 through registered deed of sale dated 22.06.1984 and got mutated his name vide Case No.1074 R-27/89-90 and paying rent regularly and constructed house over the land and got mutated in Case No.808/91/305.

12. Mr. Manjul Prasad, learned senior counsel appearing for the petitioners submits that the aforesaid Samittee purchased the aforesaid land through registered Sale Deed No.4356, dated 21.04.1989 from heirs of Chano Oraon and others after obtaining permission from Additional Collector under Urban Land (Ceiling and Regulation) Act, 1986 which was duly approved by the Deputy Commissioner in Case No.21/88. He submits that the said plots are Chapparbandi in nature and the said land was settled with transferable and Chhaparbandi right on 27.05.1943 from Maharaja Pratap Udai Nath Sahdeo and settlement has been made after making payment of Malgujari in favour of Maharaja Pratap Uday Nath Sahdeo, the ex-landlord, till the date of vesting. He also submits that the ex-intermediary while submitting the return under B.L.R. Act, after death of Chano Oraon, after vesting the name of Somara

Oraon and other being heirs were also recorded in Register-II of tenants ledger and the nature of land was recorded as Chhaparbandi. He further submits that rent receipts in the name of Somara Oraon and others showing payment of Chhaparbandi Malgujari was there and after purchasing the aforesaid land, the petitioners came in peaceful possession over the land and constructed a residential building over the same and since then they are residing along with their family. He next submits that the land in question has also been mutated in favour of the petitioners in the office of Circle Officer, Ranchi vide order dated 27.07.1989 in Mutation Case No.1065/89-90 in W.P.(C) No.2808 of 2012.

13. Mr. Manjul Prasad, learned senior counsel appearing for the petitioners further submits that initially the S.A.R. Case No.29/92-93 was initiated on the report of Circle officer, Sadar, Ranchi against the Samittee and the Samittee for some time took care of the case and subsequently left care as a result order of restoration was passed and some of the purchaser moved before High Court by way of filing CWJC No.2949/1993(R) and by order dated 07.01.1993 after setting aside the order of restoration directed the respondent no.3 to issue notices to the parties and after hearing them pass the order in accordance with law. He next submits that thereafter S.A.R. Case No.29/92-93 was amalgamated with S.A.R. Case No.70/92-93 and 21/93-94 and by order dated 11.07.1996, the S.A.R. court directed to restore the land in favour of the applicant. He next submits that being aggrieved by the said order, the petitioners preferred S.A.R. appeal which was numbered as S.A.R. Appeal No.-74 R- 15/06-07, 77 R-15/06-07 and 78 R-15/06-07 before the Deputy Commissioner, who is respondent no.-2 and all the appeals were heard analogous and vide order dated 08.08.2007, the respondent no.2 quashed the order dated 11.07.1996 and remanded back the matter for reconsideration on all new points. He further submits that thereafter the S.A.R. cases were heard together and decided by common order dated 29.02.2012. He then submits that respondent no.3 held that the proceeding against Plot Nos.2077, 2078, 2079 and 2080 the lands are Chhaparbandi land and in view of that proceeding under Section 71-A of the Chota Nagpur Tenancy Act is fit to be rejected. He next submits however, considering the submission for the lawyer

of the applicant fixed compensation under second proviso under Section 71-A of the Chota Nagpur Tenancy Act. Mr. Manjul Prasad, learned senior counsel submits that in view of the specific finding that the land in questions are Chhaparbandi in nature and as such further direction invoking the proviso to pay the compensation is not in accordance with law. He submits that in this background, petitioners herein have invoked the jurisdiction of this court under Article 226 of the Constitution of India, as order itself was without jurisdiction. He also submits that respondent nos.5 and 6 in W.P.(C) No.2808 of 2012 have filed a petition to decide the preliminary issue which was rejected by the co-ordinate Bench of this court vide order dated 29.01.2025, however, observation was made that the said objection will be decided at the time of hearing of these writ petitions. Mr. Manjul Prasad, in the aforesaid background, submits that these writ petitions may kindly be entertained as the matter is of the year 2012 and remanding the matter to the authority will be very harsh and especially when the order is without jurisdiction.

14. Mr. Manjul Prasad, learned counsel for the petitioners submits that Shobha Prasad and Lekha Prasad were also directed to pay the said compensation in the aforesaid S.A.R. cases and they have challenged the same before the co-ordinate Bench of this court in W.P.(C) No.2750 of 2012 and the said writ petition was decided on 05.03.2024 setting aside the impugned order. He submits that if the land is Chhaparbandi, Section 71-A of the Chota Nagpur Tenancy Act will not apply. On these grounds, he submits that the impugned order may kindly be set aside.

15. Mr. P.P.N. Roy, learned senior counsel appearing for respondent nos.5 and 6 in W.P.(C) No.2808 of 2012, vehemently opposed the prayer and submitted that this writ petition is fit to be rejected on the ground of alternative remedy as the petitioner has not availed the statutory remedy of appeal before the Deputy Commissioner which is prescribed under Chota Nagpur Tenancy Act. To buttress this argument, he refers to two of the orders annexed in the counter affidavit filed by the respondent nos.5 and 6 in C.W.J.C. No.3579 of 1992(R). Mr. P.P.N. Roy, learned senior counsel also submits that Chhaparbandi aspect is also disputed question of fact and that cannot be subject matter of dispute under Article 226 of the Constitution of

India. He next submits that aspect has been decided by the co-ordinate Bench of this court in the case of ***Abhay Singh Surana Vs. State of Jharkhand & Others*** reported in **2007(3) JLJR 63**. He further submits that same view was taken by the another co-ordinate Bench of this court in batch of cases in **W.P.(C) Nos.910, 906, 924, 930 and 1413 of 2004**. On these grounds, he submits that the writ petitions may kindly be dismissed.

16. This court, in view of above submission, is considering the objection raised by Mr. P.P.N. Roy with regard to maintainability of writ petition due to not availing the alternative remedy first. Mr. P.P.N. Roy, learned senior counsel appearing for respondent nos.5 and 6 in W.P.(C) No.2808 of 2012 submits that W.P.(C) No.2750 of 2012 was decided by the co-ordinate Bench of this court ex-parte as respondents in those case have not appear. He further submits that so far present writ petition is concerned, respondent nos.5 and 6 have filed the petition for impleading them as parties which was allowed by the order dated 12.03.2024. He submits that he has the right to argue on merit. He also submits that after the remand by the learned first appellate court, the impugned order has been passed and the petitioners herein have not availed the alternative remedy and in view of that the writ petition may kindly be dismissed. He submits that once the order is without jurisdiction and there is violation of principal of natural justice in those circumstances only if the alternative remedy is not availed, the writ petition can be entertained. To buttress his argument, Mr. Roy relied in the case of ***Committee of Management & Another Vs. Vice Chancellors and Others*** reported in **2009(2) JLJR (SC) 25** and he refers to para 20 and 21 of the said judgment. He also submits that Division Bench of this court in C.W.J.C. No.3579 of 1992(R) has dismissed the writ petition on the ground of alternative remedy and directed to avail alternative remedy. On these grounds, he submits that the writ petition may kindly be dismissed.

17. In the case of ***Whirpool Corporation Vs. Registrar of Trade Marks, Mumbai & Others*** reported in **(1998) 8 SCC 1** wherein in para 14 and 15 it has been held as under:

> *14. The power to issue prerogative writs under Article 226 of the Constitution is plenary in nature and is not limited by any other provision of the Constitution. This power can be*

> *exercised by the High Court not only for issuing writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of any of the Fundamental Rights contained in Part III of the Constitution but also for "any other purpose".*
> *15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case-law on this point but to cut down this circle of forensic whirlpool, we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field.*

18. After lapse of much time, remanding of the writ petition is also not appreciable, reference may be made to the case of ***Utkal Highways Engineers and Contractors Vs. Chief General Manager and Others*** reported in **2025 SCC OnLine SC 1400** wherein in para 8 it has been held as under:

> *8. Be that as it may, the High Court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence.*

19. A co-ordinate Bench of this court the objection made by respondent nos.5 and 6 has already rejected the contention of preliminary objection, however, observed that the said issue would be decided at the time of hearing of the writ petition. This writ petition is of the year 2012 and since then, the proceeding have advanced and the matter has been heard by the co-ordinate Benches of this court and for the first time this preliminary issue has

been raised in the year 2024 which has been rejected by the co-ordinate Bench of this court and keeping that law point open. It is well settled that once a party wants to raise the preliminary objection, the same is required to be raise at the threshold, however, that has not been done. If the S.A.R. court himself has decided that Section 71-A of the Chota Nagpur Tenancy Act is not attracted and thereafter, passed the order of compensation, the order itself suggests that is without jurisdiction as Chota Nagpur Tenancy Act was not attracted and in this background, argument Mr. P.P.N. Roy, learned senior counsel is fulfilled as order was without jurisdiction and that has also been view of the Supreme Court in the case of ***Committee of Management & Another Vs. Vice Chancellors and Others*** (supra) on which reliance has been placed Mr. P.P.N. Roy, learned senior counsel appearing for respondent nos.5 and 6 in W.P.(C) No.2808 of 2012. In the said case also, the ***Whirpool Corporation Vs. Registrar of Trade Marks, Mumbai & Others*** (supra) was considered by the Hon'ble Supreme Court. This court is in agreement of the judgment of the Division Bench in C.W.J.C. No.3579 of 1992(R) and generally if the alternative remedies are there High Court is slow in entertaining writ petition under Article 226 of the Constitution of India, however, the said order of Division Bench was passed on very first day of hearing of this writ petition. The facts what has been discussed hereinabove are otherwise and as such the order is not helping respondent nos.5 and 6 in W.P.(C) No.2808 of 2012. The matter is of the year 2012 and now 14 years have already been completed and in view of that remanding the matter after such a long period that too when the affidavit has been exchanged, will be very harsh and that aspect has been taken care of by the Hon'ble Supreme Court in ***Utkal Highways Engineers and Contractors Vs. Chief General Manager and Others*** (supra). Further, Article 226 of the Constitution of India is a discretionary jurisdiction of the High Court to remand the matter when order was itself was without jurisdiction, will not be correct and as such the contention of Mr. P.P.N. Roy, learned senior counsel appearing for respondent nos.5 and 6 in W.P.(C) No.2808 of 2012 is not being accepted by this court and in the aforesaid background, this court is of the view that this writ petition can be heard on merit and disposed of.

20. Now the court is taking up the contention on merit, in view of above submission of the learned counsel for the parties, the court has gone through the materials on record including the impugned order. It is an admitted position that the petitioners herein have purchased the said land from the Samittee as noted in the argument of the learned senior counsel appearing for the petitioners aforesaid. S.A.R. Case Nos.70/92-93 and 21/93-94 have been filed for restoration of the said land and by order dated 11.07.1996, the S.A.R. court has allowed the said S.A.R. cases and directed restoration of the land. The said order was challenged by the petitioners in S.A.R. Appeal No.-74 R-15/06-07, 77 R-15/06-07 and 78 R-15/06-07 which was allowed by the order dated 08.08.2007 and the matter was remanded back. Thereafter, the S.A.R. cases were again heard which were decided by the order dated 29.02.2012. While deciding the said cases, the clear finding has been given by the S.A.R. court and the land is Chhaparbandi in nature and in view of that Section 71-A of the Chota Nagpur Tenancy Act is not applicable and rejected the said contention. However, on submission of learned counsel for the applicant relying on provision of the said Section, compensation has been directed to pay the applicant by the S.A.R. court. Admittedly, while deciding the aforesaid appeal has dealt elaborately about the Chhaparbandi aspect of the land. The learned appellate authority has found that the learned trial court has clearly stated in para 8 that the land under consideration is not Chhaparbandi because neither the landlord nor the Raiyat had signed on the paper and the said finding was found to be erroneous by the appellate court in view of the fact that in the light of the order of U.L.C. Case No.21/88, the Additional Collector (Ceiling) it was found that the said land is of Chhaparbandi. Learned appellate court has considered the registered sale deed of Somara Oraon to Rupam Sahkari Girih Nirman Samittee in 1988 and found that the dispute was given in permanent settlement with transferrable and inheritable Chhabarbandi right under regular Hukumnama dated 27.05.1943 by erstwhile landlord Maharaja Pratap Uday Nath Sahdeo of Chota Nagpur Raj. The learned appellate authority found that the learned S.A.R. court has not taken into consideration the order of the ULC case. The learned appellate authority has also found that the Somara Oraon himself has stated in the registered deed of

1988 that the land would converted into Chhaparbandi land by obtaining permission of the ex-landlord. The learned appellate authority has also considered the correction slip issued by the Circle Officer, Ranchi in Mutation Case No.1244/1988-89 wherein nature of the plot is also shown to be Chhaparbandi. The learned appellate authority has also found that the record of the learned S.A.R. court also contains rent receipt no.373506 of 1988 issued by the Revenue Karamchari possessed by Rupam Sahkari Grih Nirman Samiti Ltd., the land is shown to be Chhaparbandi. Learned appellate court has found that the said land is Chhaparbandi since 1943 and rent and taxes has also been paid not only by the vendors, but also by registered co-operative society and those cases have been found be to be supported by the Chhaparbandi receipts granted by the ex-landlord (1945, 1951) as also the State of Bihar (1988). The learned appellate authority has also found that the land was used for residential purposes by the petitioners and most of them are also paying municipal taxes. In those background, the learned appellate authority has held that the learned S.A.R. court's conclusion that the said land is not Chhaparbandi, is not correct and in view of that order 11.07.1996 was set aside and the matter was remanded by the appellate authority to decide afresh. Thereafter, the S.A.R. court has again decided the S.A.R. cases by order dated 29.02.2012 wherein it has been clearly held that those lands are Chhaparbandi and that finding has been based on the Additional Collector (Land and Ceiling) order and the said order was also affirmed by the High Court in C.W.J.C. Nos.3484/92, 3485/92, 3486/92, 3487/92, 3488/92, 3489/92 and 3490/92 and clear finding has been made the Section 71-A of the Chota Nagpur Tenancy Act is not attracted and the contention was rejected. However, the learned S.A.R. court has directed the petitioners to pay the compensation to the applicant which is not in accordance with law. A reference may be made to the case of ***Anupama Roy Vs. State of Bihar*** reported in **2004 AIR JHAR HCR 450** wherein in para 8, 9, 10 and 11 it has been held as under:

> *8. Curiously enough neither the appellate authority nor the revisional authority has met the reasonings given by the Special Officer on the basis of other evidence that the chaperbandi holding was created in the year, 1953 by the ex landlord by submitting return which was accepted by the LRDC. It was further found that*

> *the LRDC verified the return by the original jamabandi and found it correct. The issuance of chaperbandi rent receipts by the Circle Officer and LRDC has not been denied or disputed by the respondents.*
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> *9. From the sale deed dated 29-5-1959 by which the petitioner purchased the land in question it appears that there is a recital in the deed that the land is chaperbandi and chaperbandi rent has been paid vide various chaperbandi receipts referred in the sale deed. In my opinion, therefore, the findings recorded by the appellate authority and the revisional authority is based on no evidence, rather, on extraneous considerations ignoring series of documents referred by the Special Officer in his order while recording a finding that the land was converted into chaperbandi in 1953.*
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> *10. Be that as it may, the nature of the land in question has always been treated as chaper-bandi since 1953 and chaperbandi rent and taxes have been paid not by the petitioner only but also by the vendor of the petitioner which has been admitted in the sale deed and is supported by the chaperbandi receipts granted by the ex-landlord as also the State of Bihar. Subsequently the Municipality also issued holding (sic) taxes and sanction was accorded for construction of building. The land has been used for residential purposes. It cannot, therefore, be said as held by the appellate authority and the revisional authority, that the land is not chaperbandi land and that too without any evidence.*
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> *11. For the aforesaid reasons, this writ application is allowed and the impugned orders passed by the appellate authority and the revisional authority are quashed and the order passed by the Special Officer dismissing the restoration petition is restored.*

21. Herein also what has been discussed hereinabove, 1943 itself, the land was said to be Chhaparbandi and the said ratio is also applicable in the present case as Chhaparbandi aspect has been confirmed in the earlier writ petitions as noted in the impugned order itself. Further, Shobha Prasad and Lekha Prasad have challenged the said impugned order in W.P.(C) No.2750 of 2012 which has been allowed by the co-ordinate Bench of this court on 05.03.2024 holding that Section 71-A of the Chota Nagpur Tenancy Act is not attracted and the proviso of compensation will also not apply. So far contention of Mr. Roy with regard to Chhaparbandi aspect is concerned, in the facts and circumstances of present case as discussed hereinabove, is not being accepted by this court as in earlier proceedings, Chhaparbandi aspect has already been set at rest in the aforesaid writ petitions by the High Court. The judgment relied by Mr. P.P.N. Roy relating to Chhaparbandi aspect, the facts of those cases are different. In those cases, the Chhaparbandi aspect has not been set at rest. Further, respondent nos.5 and 6 has not challenged the impugned order and as such contention of Mr. P.P.N. Roy, learned senior

counsel appearing for respondent nos.5 and 6 in W.P.(C) No.2808 of 2012 is not being accepted by this court.

22. In view of the facts, reasons and analysis, this court is of the view that Chhaparbandi aspect has set at rest up to the High Court in the aforesaid writ petitions. A co-ordinate Bench of this court passed the order in W.P.(C) No.2750 of 2012 and further the case of the petitioners is fortified in the light of the order of coordinate Bench of this court in ***Anupama Roy Vs. State of Bihar*** (supra). The judgment relied by learned senior counsel relating to the Chhaparbandi aspect were passed in the facts and circumstances of those cases. In those cases, Chhaparbandi aspect has not been settled up to the High Court. It is well settled that the ratio of the judgments are applicable in the facts and circumstances of which case and as such these writ petitions, are hereby, allowed. The impugned order dated 29.02.2012 passed in S.A.R. Case No.70/92-93, 21/93-94 and 29/92-93 are set aside. Pending Interlocutory Application, if any, is also disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 15.09.2026
Anit

A.F.R.

Uploaded
23.09.2026