IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1966 of 2022

……..

1. Chandra Mohan Mahto son of Late Riday Mahto
2. Ghasiram Mahto Son of Late Ridu Mahto
3. Indradeo Mahto son of Late Vijay Mahto
4. Sabi Devi W/o Late Ridu Mahto
5. Malti Devi W/o Late Vijay Mahto

All resident of village Salbanda, P.O. and P.S. Sonahatu, District Ranchi, Jharkhand.

6. Sompati Devi W/o Sri Duryodhan Mahto, D/o Late Ridu Mahto, resident village Nawadih, P.O. Baredih, P.S. Tamar, District Ranchi
7. Aghni Devi D/o Late Riday Mahto W/o Sri Durlav Mahto, resident of village Mankidih, P.O. T.T. Mankidih, P.S. Sonahatu, District Ranchi

……Petitioner(s)

Versus

1. The State of Jharkhand
2. Commissioner, South Chhotanagpur Division, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi.
3. Charge Officer, Settlement Office, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi.
4. Assistant Settlement Officer, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi.
5. Balram Mahto son of Late Magansai Mahto
6. Subal Mahto son of Late Magansai Mahto
7. Sukhdeo Mahto son of Late Magansai Mahto
8. Gangi Devi D/o Late Magansai Mahto
9. Yamuna Devi D/o Late Magansai Mahto

Respondents No. 5 to 9 are resident of village Salbanda, P.O. and P.S. Sonahatu, District Ranchi, Jharkhand ……. **....Respondent(s)**

10. Sombari Devi D/o Late Riday Mahto W/o Sri Gandarv Mahto, resident of village Kapidih, P.O. Rahe, P.S. Sonahatu, District Ranchi.

…..Performa Respondent.

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Laxman Kumar, Advocate
For the Respondent(s) : Mr. Manish Mishra, Advocate
Mr. Mahesh Kr. Mahto, Advocate
Mr. Dinesh Choudhary, Advocate
Mr. Kaushalendra Prasad, Advocate

…....

10/16.09.2026: By way of filing this writ petition, the petitioners have sought for following relief :-

> *By way of filing this writ petition, the petitioner has prayed for issuance of appropriate Writ/Writs,Order /Orders Direction /Directions to set aside the order dated 18-10- 2021 passed by the Learned Court of Commissioner, South Chhotanagpur Division, Ranchi in Survey Appeal No. 82/2002-03 whereby and whereunder Learned Court of Commissioner, South Chhotanagpur Division, Ranchi has been pleased to dismissed the Survey Appeal no. 82 of 2002-03 filed by the Petitioners. (Annexture-5).*

2. The petitioners claim rights over several parcels of land being Khesra No. 48/27 area 0.25 acres, Khesra No. 182/102 area 0.08 acres, Khesra No. 184/104 area 0.10 acres, Khesra no. 198/116 area 0.16 acres, Khesra No. 202/144 area 0.46 acres, Khesra No. 756/529 area 0.32 acres, Khesra No. 759/529 area 0.14 acres, Khesra No. 760/506 area 0.23 acres, Khesra No. 798/526 area 0.10 acres, Khesra No. 801/510 area 0.10 acres, Khesra No. 837/835 area 0.90 acres, 838/534 area 0.30 acres of Khata No. 36Ka/9, situated at Village Salbanda, P.S. Sonahatu, District Ranchi and other lands of Khasra No.9. According to the petition, the lands were recorded in the names of Gokul Mahto and Udhav Mahto, and upon the death of Gokul Mahto, Udhav Mahto is stated to have succeeded to the property. He sold the aforesaid entire land of Khata No. 9 to Riday Mahto. The petitioners rely upon a registered Sale Deed No. 5350 dated 13.04.1944 executed by Udhav Mahto in favour of Riday Mahto and claim possession and payment of rent thereafter. During the subsequent survey proceedings, an entry was made in respect of the said lands which was disputed by the petitioners. They filed an objection under Section 83 of the C.N.T. Act, which was allowed by the Revenue Officer by order dated 31.12.1990, directing entry of the petitioners' names as raiyats. The predecessor of the private respondents challenged the said order under Section 89 of the C.N.T. Act. The Assistant Settlement Officer, by order dated 24.04.1996, allowed the revision, relying upon the case that the land had subsequently been transferred in 1955 through a *Sada*

Patta (unregistered document), and directed deletion of the petitioners' names and entry of the name of Magan Sai Mahto. The petitioners thereafter pursued an appeal before the settlement authorities. The Charge Officer, Settlement, Ranchi, by order dated 23.03.2002, dismissed the appeal, observing that no proceeding had been instituted by the petitioners for cancellation of the *Sada Patta*. The petitioners then preferred Survey Appeal No. 82/2002-03 before the Commissioner, South Chhotanagpur Division, Ranchi. The Commissioner, by order dated 18.10.2021, dismissed the appeal, observing that the disputed entry was based on possession and not solely on documentary title. The present writ petition has been filed challenging the said order dated 18.10.2021 and seeking consequential reliefs.

3. Learned counsel for the petitioners submits that the disputed lands were purchased through registered Sale Deed No. 5350 dated 13.04.1944 and that the petitioners' claim was recognised by the Revenue Officer under Section 83 of the C.N.T. Act by order dated 31.12.1990. It is contended that the subsequent entry in favour of the private respondents cannot be sustained merely on the basis of an alleged *Sada Patta* of 1955, being an unregistered document. It is further submitted that the authorities failed to properly appreciate the petitioners' title and possession and erred in dismissing their appeal.

4. Learned counsel for the respondents submits that the disputed entry was made on the basis of possession and the subsequent transfer relied upon by the private respondents. It is contended that the petitioners' claim was considered by the competent settlement authorities and their appeal was dismissed, inter alia, on the ground that they had not sought cancellation of the *Sada Patta*. It is further submitted that the Commissioner, after considering the matter, correctly dismissed Survey Appeal No. 82/2002-03 by order dated 18.10.2021. He submits that no ground for interference is made out in writ jurisdiction.

5. Heard, learned counsel for the parties and perused the materials on record. The dispute concerns the entry of the names of the respective parties in the survey record in respect of the lands in question.

6. The material question is whether an unregistered document could, in the circumstances pleaded, can form the basis for altering the revenue entry, particularly when the petitioners rely upon an earlier registered sale deed. The Commissioner, while dismissing the appeal, proceeded on the premise that the entry was based upon possession and not upon the validity of the document.

7. A revenue or survey authority cannot, however, conclusively adjudicate disputed questions of title merely on the basis of possession or an unregistered instrument when the parties assert competing claims founded upon documents of title. Revenue entries by themselves do not create or extinguish title. The authorities were therefore required to examine the legal basis of the competing claims in accordance with law and could not reject the petitioners' claim merely because no separate proceeding for cancellation of the *Sada Patta* had been instituted.

8. In view of the aforesaid, the order dated 18.10.2021 passed by the Commissioner, South Chhotanagpur Division, Ranchi in Survey Appeal No. 82/2002-03 is set aside. The matter is remitted to the competent settlement authority for fresh consideration of the rival claims in accordance with law, after affording due opportunity of hearing to all concerned parties.

9. The writ petition is accordingly **allowed**.

(ANANDA SEN, J.)

16th September, 2026
R.S./
Uploaded on 23/09/2026