IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P.(C) No. 3676 of 2015
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1. Md. Mustaq, son of Late Manik Chand, Resident of Lalbathani Makhmalpur North, P.O. Rampur Diara, P.S. Muffassil Sahebganj, District Jharkhand.,

2. Adalat Ali, son of Late Meriesuddin, Resident of Lalbathani Makhmalpur North, P.O. Rampur Diara, PS-Muffassil Sahebganj, District Sahebganj, Jharkhand.

3. Md. Khaliq, son of Late Gayasuddin, Resident of -Lalbathani Makhmalpur North, P.O. Rampur Diara, P.S. Muffassil Sahebganj, District Jharkhand. Sahebganj,

4. Manirul Haq, son of late Muzaffar Hussain, resident of Lalbathani Makhmalpur North, PO Rampur, Diara, PS Muffasil, Sahebganj, District Sahebganj, Jharkhand

5.Lokman Ali, son of late Abu Sayeed, resident of Lalbathani Makhamaplpur North, PO Rampur Diara, PS Muffasil Sahebganj, Dist. Sahebganj, Jharkhand

6. Md. Matin, son of Maulvi Abu Sayeed, Resident of -Lalbathani Makhmalpur North, P.O. Rampur Diara, P.S. Muffassil Sahebganj, District Jharkhand. Sahebganj,

7. Niranjan Sah, son of Swarn Prasad Sah, Resident of -Village and P.O. Dilarpur, P.S. Manihari, District -Katihar, Bihar.

8. Dilmohan Rajpal, son of Suresh Rajpal, Resident of -Village P.O. and P.S. Manihari, Purani Sijtola, Dilarpur, District Katihar, Bihar.

9. Ram Suchit Mahto, son of Dipnath Singh, Resident of Village Lalwathani Makhmalpur, P.O. Rampur Diara North, P.S. Muffassil Sahibganj, District Sahibganj.

10. Tetri Khatoon, Wife of Late S. Sagit, Resident of Nawabganj, Village P.O. and P.S. Manihari District Katihar, Bihar.

.... Petitioner(s)

-- Versus --

1. The State of Jharkhand, through the Chief Secretary,

Government of Jharkhand, Project Bhawan, P.O. and P.S. Dhurwa, District - Ranchi;

2. Chief Secretary, Government of Jharkhand, Project Bhawan, P.O. and P.S.-Dhurwa, District - Ranchi;

3. The Secretary, Revenue and Land Reforms, Government of Jharkhand, Project Bhawan, P.O. and P.S. Dhurwa, District Ranchi;

4. Home Secretary, Department of Home, Government of Jharkhand, Project Bhawan, P.O. and P.S.- Dhurwa, District Ranchi;

5. The Deputy Commissioner, Sahibganj, P.O. and P.S. and District - Sahibganj;

6. Settlement Officer, Dumka, P.O. and P.S. and District - Dumka;

7. The Assistant Settlement Officer, Sahibganj, Old Circuit House, P.O. and P.S. and District Sahibganj;

8. Circle Officer, Sahibganj Circle, P.O. and P.S. Sahibganj, District - Sahibganj;

9. The Chairman, Board of Revenue, Engineers' Bhawan, P.O. and P.S. Dhurwa, District - Ranchi;

10. The State of Bihar, through the Chief Secretary, Bihar Secretariat, Bailey Road, P.O. and P.S. - Sachiwalaya, District - Patna, Bihar;

11. The Chief Secretary, Government of Bihar, Bihar Secretariat, Bailey Road, P.O. and P.S. Sachiwalaya, District Patna, Bihar;

12. The Secretary, Revenue and Land Reforms, Bihar Secretariat, Bailey Road, P.O. and P.S. Sachiwalaya District Patna, Bihar;

13. District Magistrate, Katihar, P.O. and P.S. Katihar, District Katihar;

14 Circle Officer, P.O. and P.S. Katihar, District Katihar.

.... Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner(s) :- Mr. Rohit Ranjan Sinha, Advocate
Mr. Arpit Khandelwal, Advocate
For the State of Jharkhand:-Mr. Prashant Kr. Rai, Advocate
For Respondent Nos.10 to 14:-Mr. Shree Prakash Roy, Advocate

23/***28.09.2026*** This writ petition has been filed under Article 227 of the Constitution of India for commanding upon the respondent-State of Jharkhand and its officials to forbear from carrying out survey and Tasdique in the unsurveyed villages of the District-Makhmalpur and Rampur of Sahibganj Circle, which are the adjoining villages - Manihari, Bhagwatpur and Baijnathpur of Manihari and Amdabad Anchal of Kathihar District till the border demarcation is carried out. The further prayer is made for directing the respondent-State of Jharkhand and State of Bihar and their officials to constitute a Joint Team for such boarder demarcation and make the demarcation before carrying out survey and Tasdique in the above-mentioned bordering villages.

2. Learned counsel appearing on behalf of the petitioners submits that the present matter pertains to complications arising out of situation prevailing in some of the villages falling on the boarders of Sahibganj District under the State of Jharkhand on the one hand and Katihar and Bhagalpur Districts under the State of Bihar on the other hand and due to the very location of these tracts of land where river Ganga flows, the disputes have been arisen owing to identification of land vis-à-vis persons supposed to have rights over the same. Learned counsel for the petitioners further submits that

the authorities are not cooperating and in view of that, the demarcation has not been made.

3. On the other hand, learned counsel for the respondent State of Bihar submits that pursuant to the last order of this Court, the State of Bihar has filed the counter affidavit. He further submits by way of referring to the supplementary counter affidavit dated 15.06.2024 that the dispute relates to Plot No.2383 and 2384 covering an area of 540.310 acres of Khata No.739 of Mauza-Baijnathpur, Thana No.319 of Manihari Anchal of District Katihar, Bihar. He next submits that a meeting was held on 04.01.2019 by the Revenue Officers of both the districts in which a decision was taken to make measurement from Baijnathpur (Bihar) to Makhmalpur (Jharkhand) for fixing the Mustaquil on the basis of R.S. Map as contained in Annexure-B to the supplementary counter affidavit.

4. In paragraph no.13 of the supplementary counter affidavit dated 15.06.2024 of the State of Bihar, it has been stated that the measurement with respect to the following areas have been examined, which are as follows:

i. The "Tin-Simani Pathar' was examined.

*ii.*The width of the Ganges was measured.

*iii.*The measurement on the basis of Map sheets No.3,4 and 5 of Mauza Manihari, Thana No.333, Map Sheet No.1 of Mauza Maheshpur, Thana No.1, Map Sheet No.7, 8 and 9 of Mauza Baijnathpur, Thana No.319 were made. However, the concerned

villagers began to create dispute stating that the measurement ought to have been made from southern border and their statement were also supported by the Circle Officer, Sahebganj and the Anchal Amin Sahebganj.

5. In paragraph no.22 of the said supplementary counter affidavit, it has been stated that a Team consisting of S.D.O, Manihari, SDPO Manihari, C.O., Manihari, Revenue Karmachari and Anchal Amins reached on the spot on 22.05.2024. The writ petitioner and Amin of Sahebganj, Sadar Anchal were also present there on spot, but no officer of Sahebganj Administration was present there. Thereafter, the C.O., Sahebganj was requested by C.O. Manihari vide letter No.816 dated 20.05.2024 for remaining present on the spot on 22.05.2024. However, the Anchal Amin of Sahebganj became present and requested to start measurement work after completion of election. It has also been stated in the supplementary counter affidavit that on 06.06.2024 was fixed and communicated to DC Sahebganj by the DM Katihar vide letter no.764 dated 27.05.2024 and further a letter was given to the CO Sahebganj by the CO Manihari for the same vide letter no.904 dated 30.05.2024.

6. Leaned counsel for the respondent State of Bihar on the aforesaid background, submits that the authorities of Sahibganj is not cooperating, however, that area is coming within the jurisdiction of State of Bihar.

7. Learned counsel for the State of Jharkhand submits that

this dispute cannot be decided by the High Court sitting under Article 226 of the Constitution of India. He also submits that the State of Jharkhand has further constituted a Team to resolve the said dispute. He submits, in view of that, this writ petition may kindly be disposed of.

8. Learned counsel for the petitioners, in reply, submits that he is not admitting the submission of the learned counsel for the respondent State as well as the learned counsel for the State of Bihar.

9. In view of above and considering the nature of the dispute and further considering that it is between the State of Bihar and the State of Jharkhand to take a decision, this matter is being disposed of with liberty to the petitioners, if so aggrieved, they may appear before the constituted Committee of the State of Jharkhand and State of Bihar and apprise them to arrive at a conclusion.

10. The nature of disputed question of facts herein cannot be the subject matter under Article 226 of the Constitution of India and if the parties are not arriving at any decision that can be decided by the competent civil court and, if so advised, the petitioners may the approach the joint constituted committee of civil court as the disputed question of fact is there which involves civil jurisdiction.

(Sanjay Kumar Dwivedi, J.)

Dated : 28.09.2026
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