2026:JHHC:27678

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 2342 of 2020

Bijay Singh Deo, son of late Yogeshwar Singh Deo, resident of village-Kolbendi, P.O Khamarbendi, P.S. Pindrajora, District- Bokaro, Jharkhand.
..... Petitioner(s)

Versus

1. The State of Jharkhand through its Chief Secretary, Govt. of Jharkhand, at Project Bhawan, Dhurwa, Ranchi.
2. The Deputy Commissioner, Bokaro.
3. The Additional Collector, Bokaro.
4. The District Fishery Officer-cum-Chief Executive Officer, Bokaro, P.O and P.S. Chas, Bokaro.
5. Jamal Ansari, resident of village Kolbendi, P.O Khamarbendi, P.S. Pindrajora, District- Bokaro. … Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s): Mr. A.K. Sahani, Advocate.
For the State: Mr. Abhijeet Anand, AC to Sr. SC-I.

16/14.09.2026 Heard the parties.

2. In this writ petition, the petitioner has prayed for appropriate order for quashing the settlement notice issued under Memo No. 614 dated 4.7.2020 (Annexure-5) whereby respondent No. 4 purported to have included the homestead tank situated in Plot Nos. 1183 and 1184 under Khata No. 21, area 5.29 acres in village Kolbendi, at Sl. No. 235. Further prayer has been made not to settle the said tank in question in favour of private respondent.

3. It is the case of the petitioner that the tank in question is a homestead which could not have been settled. He submits that erroneously the tank has been included in Sairat list which needs to be removed. It is his contention that earlier a recommendation was made by the Land Reforms Deputy Collector, Chas to remove the tank, but no final decision has yet been taken. His grievance is that inspite of order passed by the Co-ordinate Bench of this Court in CWJC No. 3222/1998(R), the respondents are still sitting over the matter and are not taking the decision, but on the other hand, they are trying to settle the tank in favour of bidder.

4. Learned counsel for the State opposes the prayer and submits that the land is in the Sairat List, thus being a water body, it has been settled. He further submits that the tank in question is far away from the land of the petitioner.

5. After hearing the parties, I find that the dispute is with regard to land of Mouza Kolbendi, Plot Nos. 1183 and 1184 under Khata No. 21, area 5.29

acres, which is a tank and claimed by the petitioner. The petitioner also claims that the said tank is a homestead tank. Annexure-1 is a proceeding of Misc. Case No. 01 of 1983-84, whereby, the Land Reforms Deputy Collector, Chas has recorded a finding that in relation to the land of Mouza Kolbendi, thana No. 98, Khata No. 9, Plot No. 1160 area 1.45 acres (Nubanbandh) New Khata No. 21, Plot No. 1183, area 4.73 Acres (Behrabandh) should be removed from the Sairat List and the same be declared as homestead. Inspite of that, the land was notified to be auctioned as Sairat Tank.

6. The petitioner approached this Court by filing the writ petition being CWJC No. 3222/1998-R under Article 226 of the Constitution, which was disposed of on 10.3.2000 directing the petitioner to approach the Additional Collector, Dhanbad by filing appropriate application and the Additional Collector was also directed to consider the same and pass a reasoned order after giving opportunity of hearing to the petitioner on the point as to whether the land was homestead or not. Pursuant to the aforesaid direction, the petitioner was noticed on 12.5.2001 vide Memo No. 446 (Annexure-3).

7. It is the grievance of the petitioner that the said proceeding is still pending but on the other hand the respondents are trying to auction the tank in question. In counter affidavit, the respondents could not deny the fact that the proceeding is still pending, but has taken a plea that since the tank got vested in the State, they have auctioned the same.

8. Since there is recommendation to remove the tank from the list of Sairat settlement and declared it to be homestead and the issue is still pending before the Additional Collector, this Court is of the opinion that the Additional Collector should take a final decision as to whether the land (tank) is homestead or not and whether the recommendation made can be acted upon or not. Unless a final decision is arrived at by the respondents, the respondents will not take any steps to settle the tank in favour of any person by way of auction. It is expected that within three months from the date of receipt of copy of this order, after hearing the petitioner, a decision should be taken and communicated to the petitioner.

9. With the aforesaid observation and direction, this petition stands disposed of.

14th September, 2026 **(ANANDA SEN, J.)**
Anu/- Cp2.

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