IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3166 of 2022

Mohammad Mojibul Haque, son of Late Habib Alam, resident of Nayanagar, P.O. & P.S. Mahagama, District Godda.

... ... Petitioner

Versus

1. The State of Jharkhand, through the Secretary, Department of Revenue and Land Reforms, having office at Project Building, P.O. Dhurwa, P.S. Jagganathpur, District Ranchi.
2. The Deputy Commissioner, Santhal Pargana Division, Dumka, P.O. & P.S. Dumka, District Dumka.
3. The Deputy Commissioner, P.O. & P.S. Godda, District Godda.
4. The Deputy Collector, Land Reforms, Mahagama, Godda, P.O. & P.S. Godda, District Godda.
5. The Sub-Divisional Officer, Mahagama, P.O. & P.S. Mahagama, District Godda.
6. The Circle Officer, Mahagama, P.O. & P.S. Mahagama, District Godda, Jharkhand.
7. Mohammad Salahuddin, son of Abdul Salam, resident of Village Mahuara, P.O. & P.S. Mahagama, District Godda.

... ... Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner : Mr. Lukesh Kumar, Advocate
Md. Faiyaj Alam, Advocate

For the Respondents : AC to GA-III
Mr. Vinay Kumar Tiwary, Advocate
Mr. Vishwanath Moon, Advocate

07/ 15.09.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

> *"for quashing of order dated 16.03.2022 (Annexure-13) passed in Miscellaneous Petition No.03/2022, by Respondent No.2 i.e., the Commissioner, Santhal Pargana Division, Dumka whereby and whereunder, the application filed by the Respondent No.7, against some other third party in respect to the land in question which actually belong to the Petitioner is allowed by finding that the Respondent No.7 has established the adverse possession over the land in*

question and the direction has been given the settlement officer Dumka to issue new settlement parcha in favour of Respondent No.7 and further direction has been issued to correct the Khatiyan;

And/Or

Further the Petitioner prays for issuance of direction to the Respondents not to execute and implement the order dated 16.03.2022 (Annexure-13) in Miscellaneous Petition No.03/2022 passed by the Respondent No.2 during the pendency of this writ application;

And/Or

Further prays for issuance of appropriate writ(s)/order(s)/direction(s) particularly in the nature of mandamus commanding upon the respondents not to dispossess the Petitioner from the land in question and not to interfere with the peaceful possession and the ownership of the Petitioner over the land in question."

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. Facts giving rise to the present controversy are as follows:-

3.1. The land in question, which is appertaining to Mouza Mahuara, Thana Mahagama, Thana No.575, Jamabandi No.06/13, Plot No.97/34, Daag No.34, ad measuring 6 *kattha* and 7 *kattha* (55 decimal in total), originally belong to *Doman Manjhi* and others, being original raiyats, through *Gantzer* settlement and in possession of *Khatiyan* in their favour. In the said Khatiyan, Doman Manjhi and others have been shown as *Jamabandi raiyats*, having *Jamabandi* No.13.

3.2. On 21.02.1935, the land appertaining to *Jamabandi* No.13, Daag No.34, area 07 *kattha*, was settled in favour of *Habib Alam* (father of the petitioner), by Ishwar Manjhi, son of late Doman Manjhi, through a *Kurfanama*. On 09.05.1936, Parmeshwar Manjhi, son of late Doman Manjhi, settled the land under Jamabandi No.13, Daag No.34, area 06 *kattha,* in favour of *Habib Alam*, through a *Kurfanama*.

3.3. On 31.10.2017, the petitioner and son of respondent No.7 - Mohammad Salahuddin, have entered into an agreement to lease a part of land on rent, with certain terms and conditions.

3.4. In the year 2019, respondent No.7 filed an suit being Objection Case No.556/2019 (Mohammad Sallauddin Vs. 16 Anna Raiyat), without impleading the petitioner as party to the said suit. However, at the request of respondent No.7, the said suit was dismissed as withdrawn vide order dated 14.09.2020, by the Settlement Officer, Mahagama, Godda.

3.5. On 28.09.2020, a Panchayat was convened in presence of petitioner, respondent No.7 and his son, to resolve the dispute in respect of the land, and accordingly a *Panchnama* was prepared in favour of the petitioner. Further on 14.10.2020 in the said Panchayat proceeding, the respondent No.7 accepted that he had lodged the case and also hatched conspiracy against the petitioner to grab the land in question and also caused monetary loss to the petitioner, under the influence of some other person and also admitted that the said land belongs to the petitioner.

3.6. In the year 2021, the petitioner filed a suit being

Objection Case No.700/2021 (*Md. Mojibul Haque Vs. Anandi Manjhi & Ors.*), for entering his name in the revenue records, in respect of the land in question. The said Objection Case was allowed in favour of the petitioner vide order dated 29.10.2021.

3.7. The petitioner is in receipt of Holding Tax for the period 2022-23 issued from the *Mahagama* Nagar Panchayat, *Mahagama*, in respect of the land in question and he also constructed a house.

3.8. Respondent No.7 again filed a suit being Misc. Case No.81/2021-22 against the petitioner for issuance of show cause against the petitioner, and the Sub-Divisional Magistrate, vide order dated 25.06.2022 while allowing the said suit in favour of respondent No.7, directed for issuance a separate *Khatiyan* for the land in question in the name of respondent No.7.

3.9. Respondent No.7 again filed a suit being Misc. Petition No.03/2022 against one *Obaid Alam*, with a prayer to open a separate *Khata* in survey settlement. The said suit was allowed by the Commissioner, S.P. Division, Dumka, vide order dated 16.03.2022, and the Settlement Officer, Dumka, was directed to issue new survey Settlement *Parcha* in respect of the land in question (28 decimal).

3.10. The petitioner is impugning the said order dated 16.03.2022 in Miscellaneous Petition No.03/2022 (Md. Salahuddin Vs. Obaid Alam), passed by the Commissioner, Santhal Pargana Division, Dumka (Annexure-13 to the writ petition).

4. After hearing the parties at length and going through the records of this case, I find that the Commissioner, Santhal

Pargana Division, has passed the order impugned, thereby exercising original jurisdiction and acting as the First Court.

5. Section 59 of the Santal Parganas Tenancy (Supplementary Provisions) Act, 1949 (hereinafter referred to as "Act of 1949"), provides that the Commissioner or the Deputy Commissioner may exercise the power of revision by calling for the record of a case, decided by Court under his control in which an appeal does not lie. It is necessary to quote Section 59 of the Act of 1949, which reads as hereunder:-

> *"**59. Revision.**-(1) the Commissioner or the Deputy Commissioner may, on his own motion or otherwise, call for the record of a case decided by Court under his control in which an appeal does not lie or in which for cause shown to his satisfaction an appeal has not been preferred within the time limit therefor, and may pass such order in the case as he thinks fit :*
>
> *Provided that the Commissioner shall not pass such order on an application by a party until the Deputy Commissioner or the Additional Deputy Commissioner, as the case may be, has heard the matter in revision or appeal and passed an order.*
>
> *(2) The Deputy Commissioner may, by order in writing, empower any Sub-divisional Officer under his control to exercise the powers conferred on the Deputy Commissioner by sub-section(1) with respect to the decisions of all or any of the Courts of Deputy Collectors not in charge of a sub-division, under the Control of the Deputy Commissioner."*

6. From the proviso of the aforesaid Section, it is clear that the Commissioner cannot exercise his jurisdiction to entertain an

application filed by a party, until the Deputy Commissioner or the Additional Deputy Commissioner, has heard the matter and passed an order. Thus, in this case, the Commissioner, S.P. Division, Dumka, exceeded his jurisdiction by entertaining a petition filed by respondent No.7, as the First Court; without having such power to do so.

7. In view of the above, the impugned order dated 16.03.2022 in Miscellaneous Petition No.03/2022 *(Md. Salahuddin Vs. Obaid Alam)*, passed by the Commissioner, Santhal Pargana Division, Dumka (Annexure-13 to the writ petition), is hereby set aside.

7.1. Liberty is reserved with the parties to approach the appropriate Authority for redressal of their grievance.

8. With the aforesaid observations and directions, this Writ Petition stands **allowed**.

(ANANDA SEN, J.)

15th September, 2026
Prashant.Cp-2

Uploaded on 18.09.2026