IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P. (C) No.3603 of 2023

Raj Kumar Shrivastava, aged about 56 years, S/o – Late Atul Kumar Shrivastava, R/o – Village Jarmundi, P.O.+P.S.- Jarmundi, Dist.-Dumka.

…. …. Petitioner(s)

Versus

1. The State of Jharkhand.
2. Divisional Commissioner, Santhal Pargana Division, P.O.+P.S.- Jarmundi, District – Dumka.
3. Circle Officer, Circle Office, P.O.+P.S. – Jarmundi, District – Dumka.
4. Nutan Devi, W/o – Late Ghanshyam Prasad Lal, R/o – Main Bazar, Jarmundi, Hatiatola, P.O.+P.S.- Jarmundi, Dist.-Dumka.
5. Nunnu Prasad Lal, S/o – Late Jagdish Prasad Lal, R/o – Main Bazar, Jarmundi, Hatiatola, P.O.+P.S.- Jarmundi, Dist.-Dumka.

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s) : Mr. Shailesh Kr. Singh, Adv.
For the Respondent(s) : Mrs. Omiya Anusha, A.C. to A.A.G.-IA

03/Dated: 24th February, 2026

1. The present writ petition has been filed for following reliefs:-

> **"a)** For issuance of an appropriate writ especially in the nature of mandamus commanding upon the respondent no. 4 to immediately and forthwith make proper inspection for fair demarcation/measurement of the land appertaining to Mouza- Jarmundi, Jamabandi No.-45, Dag No. 1452. Total Rakba2.11 acres of land, as it has been ordered by the Divisional Commissioner, Santhal Pargana Division, Dumka (being a competent authority for Land measurement under Santhal Pragana Tenancy Act, 1949) vide Letter No. 65/गो०, vide order dated 25.02.2022 (Annexure-7).
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> **b)** For an appropriate order commanding upon the respondents to stop/restrain anyone from taking any action on the land of the Petitioner appertaining to Mouza Jarmundi, Jamabandi No.-45, Dag No. 1452, total Rakba 2.11 acres of land till the exercise of inspection/measurement is completed as per the order passed by the Divisional Commissioner, Santhal Pargana Division, Dumka (being a competent authority for Land

> measurement under Santhal Pragana Tenancy Act, 1949) in Letter No. 65/गो, vide order dated 25.02.2022.(Annexure-7)."

2. The description of the land is as follows:-

> "the land appertaining to Mouza- Jarmundi, Jamabandi No.-45, Dag No. 1452. Total Rakba2.11 acres of land."

3. Learned counsel for the petitioner submits that the petitioner had earlier applied for demarcation and the order passed therein by endorsements on the said application.

4. The law on the issue is well settled that the Circle Officer only functions as a service provider and not as an adjudicating authority. There is no statutory provision authorising the Circle Officer to adjudicate disputes relating to measurement or demarcation of land. The Circle Officer performs measurement only in terms of executive instructions, upon receipt of prescribed fees, as a service. The said position has already been settled by the Division Bench of this Court in the judgment dated 14.11.2024 passed in *L.P.A. No. 399 of 2023*, wherein it has been held that the cabinet decision, fixing fees for land demarcation by a survey team, makes no mention of conferring any power to the Circle Officer to undertake demarcation of private properties and had also held that the learned Single Judge was in error to hold that the Circle Officers have jurisdiction to conduct demarcation on application upon payment of requisite fees, because the cabinet decision itself did not confer such power.

5. Otherwise also, demarcation of land cannot be carried out in isolation. Measurement has necessarily to be conducted with reference to a fixed zero point, which requires measurement of the entire area along with the presence of the concerned raiyats, particularly the adjoining raiyats. Identification of a plot can be made only with reference to such zero point and not otherwise. Further, no provision of law has been brought to the notice of this Court whereby the Circle Officer has been vested with powers or duties to adjudicate such disputes.

6. In view of the above discussion, I do not find any reason to entertain the present writ petition. Accordingly, the present writ petition is hereby dismissed.

(Rajesh Kumar, J.)

Dated: 24th February, 2026
Amar/-
Uploaded on 25.02.2026