IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 3375 of 2022

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Vibhash Chandra Jha, aged about 58 years, son of Late Maheshwar Prasad Jha, resident of Chorki Pahari, Kunda More, B. Deoghar, Post Kunda, Police Station Kunda, District Deoghar

……..Petitioner

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Deoghar officiating from D.C. Office, Deoghar, Post Deoghar, Police Station Deoghar, District Deoghar
3. The Circle Officer, Mohanpur officiating from Mohanpur, Post Mohanpur, Respondents Police Station Mohanpur, District Deoghar. **…....Respondent(s)**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Samavesh Bhanj Deo, Advocate
For the State : Mr. Rahul Kamlesh (A.C. to S.C.-IV)

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07/17.09.2026: By way of filing this writ petition, the petitioners have sought for following relief :-

for the issuance of an appropriate writ/ Rule/ Direction particularly a writ in the nature of Certiorari for quashing the letter contained in Memo No. 499 dated 29.5.2021 (Annexure-8) written by the Circle Officer, Mohanpur addressed to the Deputy Commissioner, Deoghar rejecting the claim of the petitioner for payment of compensation. And for a further direction to the respondents to pay compensation for the land appertaining to Mauza Barmoria, Thana No. 588, Revenue P.S. Deoghar, Circle Mohanpur, Khata No. 21, Dag No. 79 measuring 1.50 acres which was settled with the petitioner by Patta and has been acquired and utilised for the construction of building of New Collectorate, Deoghar without payment of any compensation amount to the petitioner.

2. The petitioner claims that land of area being 1.50 acres comprised in Khata No. 21, Dag No. 79, Mauza Barmoria, Circle Mohanpur, Deoghar, is settled in his favour by Patta in 1987-88. Mutation was thereafter made and rent was fixed in 1990, which, according to the petitioner, was paid and accepted by the authorities. The petitioner alleges that the land was subsequently utilised for

construction of a government building without acquisition or payment of compensation. He submitted representations before the authority seeking compensation. By Memo No. 499 dated 29.05.2021, the Circle Officer, Mohanpur reported that Plot No. 79 was recorded as *Parti Kadim*, and no record of settlement in favour of the petitioner was available, although a hut was found on inspection but the petitioner was not in possession. The report further stated that the petitioner was not a raiyat of Mauza Barmoria and thus rejected his claim for compensation. Aggrieved thereby, the petitioner has approached this Court seeking quashing of the said Memo and payment of compensation for the land utilised for construction of the government building.

3. Learned counsel for the petitioner submits that the land measuring 1.50 acres was validly settled in his favour by Patta in 1987-88, followed by mutation and fixation of rent, and that the petitioner had been paying rent. It is further submitted that the respondents utilised the land for construction of the government building without duly acquiring the petitioner's land or affording him notice or opportunity to raise objection. The petitioner contends that the subsequent report rejecting his claim is contrary to the earlier revenue records and the materials on record.

He submits that the petitioner could not participate in the acquisition/transfer proceedings or Gram Sabha, as no notice was served upon him, and that he approached the authorities for compensation immediately upon acquiring knowledge of the alleged transfer. He further submits that the impugned report, therefore, deserves to be quashed and the petitioner be compensated in accordance with law.

4. Learned counsel for the respondents submits that the land in question is Government land recorded as *Gair-mazaruwa Parti Kadim* and that, although the Pradhan of a Pradhani Mouza may settle waste land with eligible persons subject to the statutory requirements, the petitioner has produced no Patta or confirmation order evidencing any

valid settlement in his favour. He further submits that during physical enquiry the petitioner neither claimed the land nor was found in possession. Of the several persons claiming settlement over Plot No. 79, only four genuine settlees were found in possession and their occupied area of 4.92 acres was excluded from the 39.26 acres transferred for construction of the government building.

The counsel for the respondents submits that notices were issued inviting claims and objections and a Gram Sabha was held, pursuant to which 39.26 acres of Government land was transferred to the Building Department. The petitioner raised his claim only thereafter. He contended that the impugned report was passed after enquiry and the petitioner's claim involves disputed questions of fact and title, which cannot appropriately be adjudicated in writ jurisdiction. Thus, the writ petition is liable to be dismissed.

5. Having heard learned counsel for the parties and upon consideration of the pleadings and materials on record, this Court finds that the claim of the petitioner is founded upon an alleged settlement of 1.50 acres of land by Patta in 1987-88.

6. The said settlement itself is seriously disputed by the respondents. The petitioner has not placed on record the original Patta or any order confirming such settlement. The respondents, on the other hand, contend that the land is Government land and that, during physical enquiry, the petitioner was neither found in possession nor had raised any claim. The validity of the alleged settlement, the petitioner's title and possession are, therefore, matters requiring leading and appreciation of evidence.

7. It is well settled that where adjudication of the claim requires determination of serious and contentious questions of title and possession, the writ jurisdiction is ordinarily not the appropriate forum. The validity of the alleged settlement, the petitioner's title and possession over the land are seriously disputed questions of fact requiring appreciation of documentary as well as oral evidence. The hon'ble Supreme Court in the case of ***M/s A.P. Electrical Equipment***

Corporation v. The Tahsildar & Ors., **reported in 2025 SCC Online SC 447,** has reiterated that where determination of the factual controversy requires oral evidence or the material on record is insufficient to arrive at a definite conclusion, the writ court may relegate the parties to an appropriate civil remedy. In the facts of the present case, such disputed questions cannot appropriately be adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution.

8. In view of the aforesaid facts and circumstances, this Court finds no ground to exercise its extraordinary writ jurisdiction under Article 226 of the Constitution in favour of the petitioners.

9. Accordingly, the writ petition is **dismissed**.

10. However, the petitioner shall be at liberty to avail such remedy as may be available to him in law before the competent forum.

(ANANDA SEN, J.)

17.09.2026
S.K.D./CP-2

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