IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3417 of 2021

Tushar Nag alias Munna Nag son of Late Mahadeo Sulanki Nag, Aged about 47 years, resident of Village Houanghatu, P.O- Namkum, P.S. Namkum, District Ranchi, Jharkhand. ….. Petitioner

Versus

1. The State of Jharkhand
2. Commissioner, South Chotanagpur Division, Ranchi, P.O- G.P.O, P.S-Kotwali, District-Ranchi, Jharkhand.
3. Deputy Commissioner, Ranchi, P.O. G.P.O, P.S.-Kotwali, District-Ranchi, Jharkhand.
4. Special S.A.R. Officer, Ranchi, P.O. G.P.O, P.S.- Kotwali, District Ranchi, Jharkhand.
5. Dinbandhu Singh Bijiya Son of late Ghansi Ram resident of Village Huanghatu, Singh, P.O.-Namkum, P.S-Namkum, District- Ranchi, Jharkhand. … Respondent(s)

CORAM: SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. J.J. Sanga, Advocate
Mr. Randhir Krishna, Advocate
Miss Angel Khalkho, Advocate
For the State : Mr. Shivam Kumar, AC to AG
For Respondent No.5 : Mr. Birendra Kumar, Advocate

14/03.09.2026 Heard learned counsel appearing for the petitioner, learned counsel appearing for the State and learned counsel appearing for Respondent No.5.

2. The petitioner has challenged the order dated 26.7.2021 passed by the Commissioner, South Chotanagpur Division, Ranchi in SAR Revision No.62 of 2009-2010. He has also challenged the order dated 28.07.1997 passed by the Special Officer, SAR, in Land Restoration Case No.141 of 1993-94. He has made a further prayer to confirm the order passed by the learned Deputy Commissioner, Ranchi, in Land Restoration Case No.32 R 15 / 1999-2000.

3. After hearing the parties, I find that an application under Section 71-A of the Chotanagpur Tenancy Act was filed by the

Ghansi Ram Singh against Tiwari Munda praying therein for restoration of land in village Huanghatu Khata No.96, Plot Number 1417, measuring an area of 50 decimals.

4. It is the case of the respondent No.5 that they are members of the Schedule Tribe and the land has been recorded in the name of his forefather, but in violation of the Chotanagpur Tenancy Act, the land has been transferred to the petitioner herein. Thus, the said land needs to be restored in favour of the Respondent No.5 and upon the said application, the SAR Court by order dated 28.07.1997, allowed the application in favour of the applicant, i.e. Respondent No.5.

5. It is admitted fact that during the pendency of the said proceeding, the ancestor of the petitioner, who was the original opposite party in his case namely Tiwari Munda died. After his death, none represented him. Thus, no document has been produced as nobody has appeared. The fact remains that the order was passed against the ancestor of the petitioner, i.e. against the dead person.

6. The petitioner, who happens to be the legal heirs of late Tiwari Munda filed an appeal against the SAR Court's Order. The appeal was numbered as Land Restoration Case No.32R-15 / 1999-2000. During pendency of this appeal, the original applicant, i.e. the father of Respondent No.5 herein expired. He was not substituted. The petitioner herein, in the appeal produced several documents in support of the claim and considering all; the appellate authority set-aside the order passed by the SAR Court in SAR Case No.141 of 1993-94 and allowed his appeal.

7. Aggrieved by the aforesaid order, the Respondent No.5, who is not other than, but the son of the original applicant, preferred a revision before the Commissioner, South Chotanagpur Division, Ranchi. By order dated 26.07.2021, the same Revision Application was allowed and the order passed by the appellate court was set-aside. The appellate order was set-aside on the ground that the same was against a dead person.

8. Admittedly the appellate order is against the dead person. No order can be passed against a dead person. Thus, the revisional authority was correct in setting aside the appellate order, but while doing so, the revisional authority could not have allowed the revision on the aforesaid ground and also not restored the order passed by the SAR Court.

9. Now the question is that before which, authority, the case is to be remanded. The fact which also needs to be noted is that before the original authority in SAR case, the ancestor of this petitioner, who was the opposite party therein has expired and there is nothing on record that he was substituted and the fact which is there in the record is that the petitioner herein who was the opposite parties did not file any document, nor appeared. After the death of the original opposite party, the documents were only filed before the appellate court, but since the father of the respondent No.5 was dead and was not substituted by the legal heirs, no proper reply could have been given. Another ground taken by the petitioner herein is that he is also a member of Scheduled Tribe, thus Section 71-A of the Chotanagpur

Tenancy Act is not maintainable. This fact and also the documents, which the parties are relying upon needs to be considered by the SAR Court, but this could not be done. Thus, from the facts of this case, I find that both the parties suffered during the proceedings, either in the appellate stage or at the initial stage.

10. Thus, in the interest of justice and after thorough discussion, I am inclined to set-aside the revisional order, the appellate order and also the initial order passed in the SAR Case and remands the matter to the SAR Court to hear the parties after recording their evidence.

11. Accordingly, both the parties are directed to file their respective documents before the SAR Officer. It is expected that both the parties will appear along with a copy of this order before the SAR Officer, at Ranchi on or before 17th September, 2026. Thereafter the SAR Officer will continue with the proceedings after giving opportunity of hearing to the parties and to lead their evidence. It is expected that both the parties will cooperate in the proceeding. If any of them become uncooperative, it will be open to the SAR Officer to proceed *ex parte*.

12. With the aforesaid observation and direction, this writ petition is disposed of.

(ANANDA SEN, J.)

03.09.2026
R.Kumar
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