**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**W.P.(C) No.7495 of 2026**

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Shashikant Madhur @ Dumni Kant Prasad, son of Late Durga Prasad Sahu, resident of Ward No.8, Village-Nagar Untari, P.O. & P.S. Nagar Untari, District-Garhwa.

..... Petitioner.

-Versus-

1. The State of Jharkhand.
2. The Deputy Commissioner, Garhwa.
3. The Additional Collector, Garhwa.
4. The Sub-Divisional Officer, Banshidhar Nagar, Garhwa.
5. Circle Officer, Nagar Untari, Garhwa.
6. The Secretary, Bilaspur Bazar Samiti, Garhwa.

..... Respondents.

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**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioner : Mr. Niraj Kishore, Advocate
For the State : Mr. Vineet Prakash, AC to SC-IV

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**Order No.03** **Date: 28.09.2026**

1. The present writ petition has been filed for issuance of direction upon the respondents to remove the illegal structures made over the petitioner's raiyati land, appertaining to Old Khata No. 5 (New Khata No. 99) and Old Plot No. 12 (New Plot No. 34), situated at Mouza-Bilaspur, District-Garhwa, measuring an area of 31 decimals, at the instance of Bilaspur Bazar Samiti, Garhwa (hereinafter referred to as the "said Samiti"), and to restore the petitioner's vacant and peaceful possession over the said land.

2. Learned counsel for the petitioner submits that the petitioner has the raiyati rights over the aforesaid land. The petitioner and his ancestors have been in possession of the said land for several years. The rent in respect of the said land is also being regularly accepted by the revenue authorities, and rent

receipts are being duly issued to the petitioner. In support of the aforesaid submission, learned counsel for the petitioner refers to the copies of the rent receipts, which have been annexed as part of Annexure-1 series to the present writ petition.

3. The grievance of the petitioner is that several 'gumtis' (kiosks), temporary shops, etc. have been put over the said land at the instance of the said Samiti, which is also realizing rent from the occupiers of the same. Aggrieved by the aforesaid situation, the petitioner represented various authorities. In response to one such representation, the Sub-Divisional Officer, Banshidhar Nagar, Garhwa (respondent no. 4), initiated a proceeding and issued notice to the Secretary of the said Samiti on 13th April, 2026. However, as per the petitioner's information, the said proceeding has now been dropped by the said respondent without any intimation to the petitioner. Under the aforesaid compelling circumstances, the petitioner has preferred the present writ petition.

4. Mr. Vineet Prakash, learned A.C. to S.C.-IV, appearing on behalf of the respondents, submits that since the claim made by the petitioner in the present writ petition is primarily factual in nature, the same is required to be examined by the competent authority. Hence, if the petitioner prefers a fresh representation on the present issue before the respondent no.2, an appropriate decision in accordance with law will be taken by the said respondent.

5. Having heard the learned counsel for the parties and considering the nature of the prayer made in the writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer fresh representation on the present issue before the respondent no. 2. On receipt of the said representation, the respondent no. 2, after calling for the report from the concerned office(s) and on providing an opportunity of hearing to the petitioner and other concerned parties including the said Samiti, shall take an appropriate and informed decision within eight weeks from the date of filing of the representation.

6. The writ petition is disposed of with aforesaid liberty and direction.

**(Rajesh Shankar, J.)**

***Rohit/***
**28.09.2026**
**Uploaded on 29.09.2026**