IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.8074 of 2026

Leelawati Mishra, wife of Late Krishna Kumar Mishra, resident of village Arsandey, P.O. & P.S. Kanke, District-Ranchi

..... Petitioner.

-Versus-

1. State of Jharkhand.
2. Deputy Commissioner, Ranchi.
3. Deputy Collector Land Reforms, Ranchi.
4. Circle Officer, Kanke, Ranchi.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Rahul Kumar Gupta, Advocate
For the State : Mr. Shivam Sahay, AC to SC (Mines)-II

Order No.02 **Date: 27.10.2026**

1. The present writ petition has been filed for quashing the order dated 11th January, 2023, passed by the Circle Officer, Kanke (respondent no. 4), in Mutation Case No.5583 R27/2022-2023/Kanke, whereby the petitioner's mutation application has been rejected. The petitioner has further prayed for issuance of direction upon the respondent no. 4 to act in accordance with the judgment and decree dated 22.01.1996 and 01.02.1996 respectively passed by the learned Civil Court in Title Suit No. 123 of 1990, as affirmed vide judgment and decree dated 18.03.2016 passed in Title Appeal No. 83 of 2009 as well as in terms with the order dated 12th November, 2013 passed by the Deputy Collector Land Reforms, Sadar, Ranchi.

2. Learned counsel for the petitioner submits that the petitioner filed Title Suit No.123 of 1990 against Rashbihari Srivastava and Others in the court of Munsif, Ranchi seeking declaration of right, title and interest over a portion of suit property being

Plot No.1495, under Khata No.216 situated at village-Arsandey, P.S. Kanke, District-Ranchi measuring an area of 54 decimals out of total area measuring 1.08 acres as well as for confirmation of possession of the said property. The said suit was allowed in favour of the petitioner vide judgment dated 22nd January, 1996 and a decree to that effect was prepared and signed on 1st February, 1996. No appeal thereafter was preferred by the defendants. However, subsequently Title Suit No.100 of 2002 was preferred by Smt. Nilu Srivastava, widow of Late Rash Bihari Srivastava and other legal heirs against the petitioner with respect to the said property with a plea that Rash Bihari Srivastava had already died before passing of the judgment dated 22nd January, 1996 in Title Suit No.123 of 1990. Title Suit No.100 of 2002 was dismissed on contest vide judgment dated 29th May, 2009 passed by the Subordinate Judge-VI, Ranchi observing that the case of plaintiffs was barred by res-judicata. Thereafter an appeal being Title Appeal No.83 of 2009 was preferred by legal heirs of Late Rash Bihari Srivastava. The said appeal was also dismissed vide judgment dated 18th March, 2016 passed by the Additional Judicial Commissioner-VI, Ranchi. In the meantime, the petitioner preferred Mutation Case No. 7087R27/2011-12 before the respondent no.4 who rejected the said case vide order dated 14.12.2012. Thereafter, the petitioner filed Mutation Appeal Case No.18 R15/2013-14 before the Deputy Collector Land Reforms, Ranchi (the respondent no.3) challenging the order

dated 14th December, 2012 passed by the Circle Officer, Kanke (the respondent no.4). The respondent no.3 vide order dated 12th November, 2013 set aside the order passed by the respondent no.4 remanding the matter back to the said respondent to pass a fresh order after making a due inquiry in the matter.

3. The grievance of the petitioner is that pursuant to the order dated 12th November, 2013 passed by the respondent no.3 in Mutation Appeal Case No.18 R15/2013-14, the petitioner preferred another application before the respondent no.4 seeking mutation of the land in question which was registered as Mutation Case No.5583 R27/2022-2023/Kanke, however, the said application was arbitrarily rejected by the said respondent merely based on the inquiry report of the Revenue Karamchari and the Circle Inspector.

4. It is further submitted that no reason whatsoever has been assigned by the respondent no.4 while rejecting the petitioner's said application. It is also submitted that even otherwise it is a case of insubordination on the part of the said respondent as the petitioner's application seeking mutation of the land in question has been rejected completely ignoring the observation made by the appellate authority i.e., the respondent no.3 in the order dated 12th November, 2013 passed in Mutation Appeal Case No. 18 R15/2013-14. Under the said circumstances, the petitioner has preferred the present writ petition.

5. Mr. Shivam Utkarsh Sahay, learned A.C. to S.C. (Mines-II) appearing on behalf of the respondents, submits that the petitioner without taking recourse of filing appeal/revision against the order dated 11th January, 2023 passed by the respondent no.4 has straightaway preferred the present writ petition. It is further submitted that even if the order dated 11th January, 2023 passed by the respondent no.4 is un-reasoned, the same is required to be assailed before the appellate/revisional authority in terms of the Sections 15/16 of the Bihar (now Jharkhand) Tenants' Holdings (Maintenance of Records) Act, 1973 (in short 'Act, 1973').

6. Heard learned counsel for the parties and perused the materials available on record.

7. The thrust of the argument of the learned counsel for the petitioner is that the respondent no.4 has passed the impugned order dated 11th January, 2023 completely ignoring the observation made by the appellate authority i.e., respondent no.3 in the order dated 12th November, 2013 passed in Mutation Appeal Case No.18 R15/2013-14. Learned counsel for the petitioner has additionally argued that the impugned order dated 11th January, 2023 is completely un-reasoned.

8. Be that as it may. Even if the impugned order dated 11th January, 2023 is a cryptic one or while passing the said order, the respondent no.4 has not followed the observation made by the appellate authority i.e., respondent no.3 as contended, this

Court is of the view that the petitioner instead of straightaway invoking the writ jurisdiction of the Court under Article 226 of the Constitution, should have taken the statutory recourse provided under the Act, 1973.

9. Considering the fact and circumstance of the present case as mentioned hereinabove, it seems appropriate to relegate the petitioner to invoke the revisional jurisdiction as provided under Section 16 of the Act, 1973. This should be an appropriate recourse for the petitioner as the revisional authority i.e., the Deputy Commissioner, Ranchi (the respondent no.2) is also the highest revenue authority of the district who can look into this aspect including the issue of insubordination on the part of the respondent no.4.

10. Hence, if the petitioner prefers a revision challenging the impugned order dated 11th January, 2023 passed by the respondent no.4 in Mutation Case No.5583 R27/2022-2023/Kanke before the respondent no.2 within four weeks from today, the said revision application will be entertained by the said respondent on its own merit and an appropriate decision will be taken after providing due opportunity of hearing to the concerned parties within two months thereafter.

11. The writ petition is accordingly disposed of with aforesaid observation and direction.

(Rajesh Shankar, J.)

***Rohit*/**
27.10.2026
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