IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 628 of 2026

Dr. Hari Prakash Narayan, aged about 90 years, son of Late Udit Narayan, resident of Morabadi, Bariyatu Road, P.O. Bariyatu, P.S. Bariaytu, District Ranchi, Jharkhand.

... Appellant

Versus

1. The State of Jharkhand
2. Commissioner, South Chhotanagpur Division, Deputy Para, Ahirtoli, P.O. & P.S. Ahirtoli, District Ranchi, Jharkhand.
3. The Deputy Commissioner, Ranchi, P.O. & P.S. Kutchery Chowk, District Ranchi, Jharkhand.
4. Special Officer, Ranchi
5. Kuari Toppo, age not known to the petitioner, wife of Baijnath Oraon, resident of Morabadi, Bariyatu Road, P.O. Bariyatu, P.S. Bariaytu, District Ranchi, Jharkhand.
6. Madho Oraon, age not known to the petitioner, son of Bhola Oraon, resident of village Morabadi, Bariyatu Road, P.O. Bariyatu, P.S. Bariaytu, District Ranchi, Jharkhand.
7. Sri Bishambhar Prasad Singh, son of Late Bindeshwari Prasad Singh, resident of House No. 16-9/III, Pratibimb, New Area, Morabadi, District- Ranchi.
8. Smt Kamna Singh, wife of Shri A.K. Singh resident of Ramna club road, P.S-Sadar, Muzzaffarpur, Presently residing at New Area Morabadi, P.S.- Bariyatu, District-Ranchi

... Respondents

With

L.P.A. No. 556 of 2026

Dr. H.P. Narayan @ Dr. Hari Prakash Narayan, aged about 90 years, son of Late Udit Narayan, resident of Morabadi, Bariyatu Road, P.O. Bariyatu, P.S. Bariaytu, District Ranchi, Jharkhand.

... Appellant

Versus

1. The State of Jharkhand
2. Commissioner, South Chhotanagpur Division, Deputy Para, Ahirtoli, P.O. & P.S. Ahirtoli, District Ranchi, Jharkhand.
3. The Deputy Commissioner, Ranchi, P.O. & P.S. Kutchery Chowk, District Ranchi, Jharkhand.
4. Special Officer, Scheduled Area Regulation Ranchi, P.O. & P.S. Kutchery Chowk, District Ranchi, Jharkhand.

5. Kuari Toppo, age not known to the petitioner, wife of Baijnath Oraon, resident of Morabadi, Bariyatu Road, P.O. Bariyatu, P.S. Bariaytu, District Ranchi, Jharkhand.
6. Madho Oraon, age not known to the petitioner, son of Bhola Oraon, resident of village Morabadi, Bariyatu Road, P.O. Bariyatu, P.S. Bariaytu, District Ranchi, Jharkhand.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellant: Mr Indrajit Sinha, Advocate
Ms Prerna Jhunjhunwala, Advocate
Ms Peeya Bhatia, Advocate
For the State: Mr Rakesh Kumar Shahi, A.C. to S.C.(L&C)-I

02/Dated: 04.11.2026

1. Heard Mr Indrajit Sinha, learned counsel, who appears with Ms Prerna Jhunjhunwala, learned counsel and Ms Peeya Bhatia, learned counsel for the appellants; and Mr Rakesh Kumar Shahi, learned A.C. to S.C.(L&C)-I for the State in both these appeals.

2. These appeals are directed against the common judgment and order dated 22.07.2026 dismissing W.P.(C) Nos. 332 of 2023 and 557 of 2023, instituted by the appellant-husband and his wife, respectively, to challenge orders dated 26.11.2002, 31.10.1998 and 01.03.1997, concurrently holding against the appellant and ordering the restoration of the suit property to the Tribal respondent No. 5.

3. Thus, practically all the authorities under the Chota Nagpur Tenancy Act, 1908 (the said Act), after evaluating the documentary and oral evidence on record have held against the appellant. The learned Single Judge upheld the orders passed by the authorities under the said Act vide common judgment

and order dated 22.07.2026. In doing so, the learned Single Judge, has addressed all the contentions raised on behalf of the appellants, including the contention that the proceedings were barred by limitation. The present Letters Patent Appeals have been instituted against this detailed common judgment and order dated 22.07.2026.

4. Mr Indrajit Sinha, learned counsel for the appellants, stressed that the proceedings were barred by limitation. He submitted that the burden of establishing that the proceedings were initiated within the prescribed limitation period lay with the 5th respondent, a burden the 5th respondent failed to discharge. The claim about alleged mental instability of the appellant's husband during the period 1976 to 1980 was never established. Therefore, the finding regarding the date and manner of dispossession is not supported by any evidence on record and is consequently perverse.

5. Mr Sinha then referred to and emphasised the "Praman Patra" dated 08.05.1984 issued by the Circle Officer, Ranchi, stating that the suit property was *Chhaparbandi*. He submitted that it is a well-settled position in law that no restoration order can be made in respect of *Chhaparbandi* property. He submitted that this document has not been considered by the authorities and such non consideration amounts to perversity.

6. Mr Sinha submitted that the appeals raise jurisdictional issues because the provisions of Section 71A relating to restoration do not apply to *Chhaparbandi* property and further, the proceedings were barred by limitation. He submitted that since

these aspects have not been considered, the appeals deserve to be allowed.

7. We have considered Mr Sinha's submissions. On evaluating the material on record and applying the principles laid down by the Hon'ble Supreme Court in ***R. Saravanan Vs. Periyar University Rep by its Registrar & others, 2026 INSC 1136***, we are satisfied that the learned Single Judge's impugned judgment and order dated 22.07.2026 warrants no interference. The reasons for our conclusion are set out below.

8. As noted earlier, there are concurrent findings of fact recorded by all three authorities under the said Act. These findings can hardly be stigmatised as perverse. The findings are based upon the oral and documentary evidence on record which has been evaluated by the three authorities in the light of the provisions of the said Act.

9. As if the above were not sufficient, the learned Single Judge, by the impugned common order, has once again revisited the issues and findings of fact in considerable detail. The learned Single Judge held that the findings of fact were correct and, in any event, that no case of perversity was made out to disturb them by exercising the extraordinary jurisdiction under Article 226 of the Constitution.

10. Insofar as the issue of limitation is concerned, the finding about mental instability of the original applicant's husband also cannot be regarded as perverse. In any event, that was not the only material on which the issue of limitation was decided against

the appellants. Oral evidence was duly tested by no less than three authorities under the said Act.

11. The first appellate court, in the first round of litigation, remanded the matter to the original authority, observing that the applicant's husband (R-5) had now recovered from his unstable mental condition. The appellants took full advantage of this remand, but they did not challenge the finding of the applicant's husband's belated recovery. The authorities have referred to the fabrication of documents in an attempt to invoke the limitation bar. The authorities have also referred to documentary and oral evidence regarding the manner and period of dispossession of the tribal respondent.

12. The three authorities concurrently held against the appellant and recorded a positive finding that the Tribal's dispossession from the property occurred between 1976 and 1980. Based on this finding of fact concurrently recorded by the three authorities under this Act, and the affirmation by the learned single judge, the restoration proceedings could not be said to have been barred by limitation. The learned Single Judge, after reassessing the material on record, though it was not required to do so, also reached the conclusion and finding that the restoration proceedings were not barred by limitation.

13. Insofar as the claim that the property is *Chhaparbandi* is concerned, the three authorities under the said Act have substantially held that there was no evidence to that effect. The learned Single Judge also noted that the appellants completely failed to establish that the original applicants, who sought

restoration, were dispossessed of the property by virtue of surrender and settlement under a *sada hukumnama* (unregistered document) in 1943.

14. The document, i.e., the "Praman Patra" referred to by Mr Sinha, was also considered by the authorities and, finally, by the learned Single Judge in paragraph 36 of the impugned judgment and order. The learned Single Judge, after noting that the appellants tried to make out a false and concocted case to grab the raiyati land of a member of the Scheduled Tribes, failed to prove the "Praman Patra" now relied upon and emphasized.

15. The Circle Officer was never examined. The Circle Officer, in the Praman Patra, does not claim any personal knowledge. The *patra* is allegedly based on a report made by some other junior functionary, who was also never examined. Such a document was quite inconsistent with the other documentary and oral evidence on record. The *Khatiyan* also indicated the name of the Tribal, which was one of the bases for the restoration proceedings. In the above circumstances, it is neither correct to submit that a crucial document issued by the Circle Officer was not examined nor that such document establishes that the property in question was *Chhaparbandi.*

16. The scope for interfering with findings of fact recorded by the fact-finding authorities under the said Act is very limited. Still, perhaps by way of indulgence, the learned Single Judge has virtually reassessed and re-evaluated the evidence on record and has sustained the findings of fact recorded by the three

fact-finding authorities. There is no question of perversity, and consequently, no case is made out to interfere with the well-reasoned orders of the appellate authority under the said Act and the equally well-reasoned common judgment and order of the learned Single Judge in this matter.

17. Recently, the Hon'ble Supreme Court, in the case of ***R. Saravanan Vs. Periyar University Rep by its Registrar & others, 2026 INSC 1136*** has held that the jurisdiction of a Letters Patent Bench to interfere with concurrent findings of fact is very limited and should not be understood as if it can interfere in every matter because it is exercising the powers of an appellate Court. The jurisdiction of a Letters Patent Bench to examine questions of fact is not without fetters. Though it may be argued that the Letters Patent Bench is entitled to review findings of fact, but, still, it is necessary to keep in mind that there is an inherent limitation on the exercise of powers by the appellate Bench.

18. The Hon'ble Supreme Court further observed that it is a well-settled legal principle that the appellate Court should not interfere with the judgment of the Court of the first instance unless a clear mistake that will change the outcome of the case is found to have been committed by the Court. A Letters Patent Bench sitting as a Court of Correction exercises the same jurisdiction as vested in the Single Judge, but it must give due weight to the writ Court's decision where it has exercised its discretion on relevant considerations.

19. The Hon'ble Supreme Court has held that different situations may arise, and the aggrieved party may raise a host of grounds before the Letters Patent Bench. Some of the grounds may be based on questions of law and others on questions of fact. The aggrieved party may also raise issues pertain to appreciation of evidence. But the Letters Patent Bench can interfere in the matter only when the findings are demonstrably erroneous and the mistake is glaring on the face of record. There must exist cogent grounds, and such grounds are not projected on some minor mistake in the judgment under challenge. The Letters Patent Bench is not entitled to interfere with the decision of the writ Court on mere showing of some error on fact or in law. If the decision rendered by the writ Court in exercise of powers under Article 226 of the Constitution is in furtherance of justice, equity and good conscience and is not against public policy, then the Letters Patent Bench must not interfere. Simply put, the Letters Patent Bench cannot interfere with the decision rendered by the writ Court which is otherwise just and reasonable.

20. Independent of, and even after applying the above-referred principles, we are satisfied that no case is made out for interference with the impugned judgment and order dated 22.07.2026 passed by the learned Single Judge in this matter.

21. This is not a case where any perversity in the record of concurrent findings of fact by all the authorities (three authorities) under the said Act has been established. Besides, even the learned Single Judge, after virtually re-evaluating the

evidence on record, reached the same conclusion or, in any event, concluded that no perversity warranted interference with the findings of fact concurrently recorded by the three authorities under the said Act.

22. We note that the litigation commenced in 1983-84 and that the same concerns wrongful dispossession of a Tribal, disregarding the provisions of the said Act. Based on concocted versions and even concocted documents, such wrongful dispossession was sought to be defended. The appellants have succeeded in depriving the Tribal of possession of her land from 1980 onwards, or, in any event, from 1984 onwards, only by taking advantage of delays in the law. From this perspective, too, the learned single judge's view is reasonable and in furtherance of justice, equity, and good conscience, and it is not against public policy to protect the tribals and their lands. Even the title suit has been decided against the appellants and in favour of the 5th respondent.

23. For all the above reasons, we dismiss both these appeals without any order for costs.

24. I.A.s, if any, pending in these appeals will not survive and are also disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 04, 2026

A.F.R.

APK/VK

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