IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C). No.7430 of 2026

1. Jagdish Kumhar, aged about 70 years, son of late Khudia Kumhar.

2. Tirath Kumhar, aged about 67 years.

3. Birju Kumhar @ Brijlal Kumhar, aged about 60 years.

4. Shankar Kumhar, aged about 54 years.

(Sl. Nos. 2 to 4 are sons of Panchna Kumhar.

(All are residents of village - Narayan Soso, P.O. & P.S. - Angara, District - Ranchi). **… … Petitioners**

Versus

1. The State of Jharkhand.

2. The Commissioner, South Chhotanagpur Division, Ranchi, at Court Compound, PO - GPO, PS - Kotwali, District - Ranchi.

3. The Settlement Officer, Ranchi, Ranchi Court Campus, near District Collectorate / Civil Court, Kutchery Chowk, PO - GPO, PS - Kotwali, District - Ranchi.

4. The Assistant Settlement Officer, Ranchi, Ranchi Court Campus, near District Collectorate / Civil Court, Kutchery Chowk, PO - GPO, PS - Kotwali, Disrict - Ranchi.

5. Bala Devi, wife of late Mohan Mahto.

6. Sita Devi.

7. Sunita Devi.

8. Anita Devi.

9. Geeta Devi.

10. Reeta Devi.

(Sl. Nos. 5 to 10 are daughters of late Mohan Mahto).

11. Rajendra Mahto, son of late Sonalal Mahto.

(Sl. Nos. 5 to 11 are residents of village - Berwari, P.O. & P.S. - Angara, District - Ranchi). **…. … Respondents**

CORAM : SRI ANANDA SEN, J.

For the Petitioners : Mr. Vishal Kr. Tiwary, Advocate
For the Respondents : Mr. Suresh Kumar, SC(L&C)-II
: Mr. Anshuman Kumar, AC to SC(L&C)-II

04/18th September, 2026

1. Heard learned counsel for parties.

2. The petitioners by filing this writ petition sought for quashing of the order dated 02.07.2026 in Ranchi Settlement Appeal No. 22 of 2017 (Annexure-5 to this writ petition), passed by the Commissioner, South Chhotanagpur Division, Ranchi, whereby the order dated 30.07.2016, passed by the Settlement Officer, Ranchi, in Appeal Case No. 35 of 2015 (Angara), preferred by the petitioners has been set aside.

3. The petitioners claim that that Khata No. 53 of village Narayan Soso, register in the name of Gokul Kumhar, son of Nunu Kumhar for one share and Khudia Kumhar& Chunia Kumhar, sons of Puran Kumhar for one share. Gokul Kumhar died issueless hence his share also came into the possession of sons of Puran Kumhar. The ancestor of the private respondents was given land in question by way of "*Jar-Peshagi*". After the expiry of the time limit for *Jar-Peshgi*, it again became the property of the petitioners.In the recent survey, a Banda Parcha has been issued for *Khata* No. 38/53, *Plot No*. 280/220, area 07 decimals, *Plot No*. 281/221, area 63 decimals, *Plot No*. 282/221, area 05 decimals, and *Plot* No. 305/242, area 1.30 acres in the name of private respondents. Thus, the petitioners filed an application under Section 89 for name correction in the Banda Parcha but the same was rejected by the then Sub-Divisional Magistrate. Thereafter, they preferred appeal being Appeal Case No. 35 of 2015 (Angara) before Settlement Officer, Ranchi, by order dated 30.07.2016 appeal was allowed.Against the same, the private respondents preferred Ranchi Settlement Appeal No. 22 of 2017 before the Commissioner, South Chhotanagpur Division, Ranchi, whereby vide order dated 02.07.2026,the order passed by the Settlement Officer, Ranchi, in Appeal Case No. 35 of 2015 (Angara) has been set aside. Thus, they filed this writ petition.

4. After hearing the parties and perusing the record, I find that order passed in Ranchi Settlement Appeal No. 22 of 2017 by the Commissioner, South Chhotanagpur Division, has in fact casted a cloud upon the title of the petitioners, which needs to be cleared. For better appreciation, relevant paragraph of the order dated 02.07.2026passed inRanchi Settlement Appeal No. 22 of 2017 is extracted below:

> *"Having heard both the parties and on perusal of materials available on record, I find that, the respondents claim that, entry in the draft record of right prepared with respect of the land in question in the names of the appellant has been made on the basis of jerpeshgi, which was alleged to have been executed for only 9 years, but contrary to the said fact, I find that, the land in question has been surrendered by one of the recorded tenant in favour of the ex-landlord on 28.03.1936 by virtue of registered deed of surrender and subsequently the same was settled in favour of Mahesh Mahto the grandfather of the present appellant hereof, who in confirmation of the settlement made to him also executed a registered deed of Kabuliyat dated 10.07.1936 with respect of the aforesaid land in favour of the ex-landlord as per the provisions laid U/s 45 of the CNT Act. On perusal of record, I also find that rent has been realized from the said Mahesh Mahto by the Ex-landlord till the vesting intermediary's right in the State and thereafter by the State, who too recognized the appellant as raiyat with respect of the same."*

5. To consider the case of the petitioners and to enter into the arguments which the petitioners are arguing, will lead to entering into the aspects of right, title and interest, which can very well be dealt with by the Civil Court. Thus, the petitioner should avail the same. The petitioner must get his right, title and interest declared by filing a suit before an appropriate Civil Court of competent jurisdiction. Therefore, I am not inclined to exercise my jurisdiction.

6. If the suit is filed by the petitioners, then it should be decided without being prejudice by the order passed by this Court and order dated 02.07.2026passed in Ranchi Settlement Appeal No. 22 of 2017.

7. Accordingly, this writ petition stands ***dismissed*** with the aforesaid observation.

(ANANDA SEN, J.)

Aditi
Dated: 18.09.2026