IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 7116 of 2026

Barti Devi @Basti Devi, W/o Amin Mahto, R/o House No. 47, Ward No. 12, Nimtalla Bherwa, Madhupur, P.O. & P. S. Madhupur, District – Deoghar (Jharkhand). ……Petitioner

Versus

1. The State of Jharkhand
2. The Deputy Commissioner cum Collector Deoghar, having its office at Deoghar, P. O. & P. S.- Deoghar Town District – Deoghar, Jharkhand.
3. Sub Divisional officer-cum-Rent Controller, Madhupur having its office at Madhupur P.O. & P.S. Madhupur, District -Deoghar, Jharkhand.
4. Geeta Devi, W/o Murlidhar Mandal, R/o Nawadih Bherwa, Madhupur, P.O. & P.S. Madhupur, District- Deoghar
5. Ashok Kumar Sah, S/o Budhan Pd. Sah, R/o Mohalla Bherwa, Madhupur, P.O. & P.S. Madhupur, District- Deoghar

....Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Ankit Kumar, Advocate
For the Respondent(s) : Mr. Ashwini Bhushan, A.C. to Sr. S.C.-III

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***02/09.09.2026*:** Heard both the parties.

2. By filing this writ petition, the petitioner has challenged the order dated 07.08.2026 (Annexure-8 to this writ petition) passed in H.C.R.A. Case No. 01 of 2025-26 passed by the Deputy Commissioner, Deoghar and order dated 29.04.2025 (Annexure-7 to this writ petition), passed in J.B.C.A. Case No. 11 of 2016-17, whereby the petitioner was ordered to vacate the house in question.

3. It is the case of the petitioner, that she and her ancestors lived in the property known as "Saha Villa" situated at Mouza Bherwa No. 274, Basouri, Plot No. 467, Thoka Nos. 46 and 46/1, measuring about 2250 sq. ft., which was transferred in her favour by the private respondents through an unregistered gift deed dated 29.11.1999. A proceeding under

Section 19(1)(c) and (d) of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 being J.B.C.A. Case No. 11 of 2016-17 was initiated by the private respondents seeking eviction of the petitioner from the said premises. The Sub Divisional Officer, Madhupur by order dated 29.04.2025 in J.B.C.A. Case No. 11 of 2016-17, directed eviction of the petitioner. The petitioner preferred appeal being H.C.R.A. Case No.01 of 2025-26 before the Deputy Commissioner, Deoghar. The appeal was dismissed by an order dated 08.07.2026, upholding the eviction order. Thus, the petitioner has filed this writ petition seeking quashing of both the impugned orders.

4. Learned Counsel for the petitioner submits that the impugned orders are not sustainable as the dispute essentially concerns title and validity/effect of the unregistered gift deed dated 29.11.1999 coupled with long-standing possession of the petitioner. The petitioner relies upon electricity bills, holding tax receipts and proceedings related to Rent Fixation case No. 142 of 2007-08 to substantiate her possession. According to the petitioner, the Circle Inspector/Amin's report and the S.D.O.'s letter dated 31.01.2025 indicated that the petitioner is dwelling in the said land by virtue of unregistered gift deed. It is further submitted that there is no admitted landlord-tenant relationship between parties and that the statutory authorities failed to properly consider the petitioner's documents of ownership and possession over the suit property.

5. Learned Counsel for the respondents opposes the submission of the petitioner and submits that the competent statutory authorities, after considering the materials on record, have passed the order directing eviction of the petitioner. The petitioner is essentially seeking adjudication of disputed questions relating to title, validity of gift deed and possession, which are matters within domain of the competent civil forum. It is accordingly submitted that no interference under Article 226 of the Constitution is warranted.

6. After hearing the parties and perused the documents on record, it appears that the proceeding being J.B.C.A. Case No. 11 of 2016-17 was initiated by the private respondents under Section 19(1)(c) & (d) of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 for eviction of the petitioner. Vide order dated 29.04.2025 in J.B.C.A. Case No. 11 of 2016-17, the Sub Divisional Officer, Madhupur directed eviction of the petitioner which was affirmed in appeal being H.C.R.A. Case No.01 of 2025-26, preferred by the petitioner. The petitioner is claiming independent title of the property in question on the basis of the unregistered gift deed and long possession, cannot be adjudicated in the eviction suit. The Rent Controller under the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 has no jurisdiction to determine questions of title or ownership, as summary eviction proceedings are strictly meant to resolve landlord-tenant disputes. Further, "landlord" as per Section 2(g) of the Act is the owner of the building, which also includes a person who for the time being is receiving or is entitled to receive the rent of the building.

7. In view of the above and concurrent findings of fact by the two Courts, no relief can be granted to the petitioner. However, the petitioner is at liberty to approach the competent Civil Court for adjudication of her rights and title over the property in question.

8. Accordingly, this writ petition is **disposed of** with aforesaid liberty.

(ANANDA SEN, J.)

09th September, 2026
S.K.D./CP-2

Uploaded on 11.09.2026