IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 96 of 2026

Rabert Anthony Barla @ Robert Anthony Barla ….. Appellant

Versus

1. Zubin A. Kujur
2. Rohit Rajiv Kujur
3. The State of Jharkhand, through the Secretary, Department of Revenue, Ranchi
4. The Deputy Commissioner, Ranchi
5. The Land Reforms Deputy Collector, Ranchi
6. The Circle Officer, Namkom, Ranchi ….. Respondents

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant: Mr. Dilip Kr. Prasad, Advocate
Mr. Jitesh Kumar, Advocate

For Respondent Nos.1-2: Mr. Navin Kumar, Advocate
Mr. Akshay Kumar Mahato, Advocate

For Respondent Nos.3-6: Mr. Indranil Bhaduri, S.C-IV

Reserved on 09.09.2026 **Pronounced on 15.09.2026**

Per: Rajesh Shankar, J The present appeal is directed against the order/judgment dated 15.10.2025 passed in W.P.(C) No. 1647 of 2021 whereby the learned Single Judge has allowed the said writ petition filed by the writ petitioners/respondent Nos. 1 & 2 (private respondents) by quashing and setting aside the concurrent orders dated 04.03.2021, 09.08.2019 & 16.01.2017 passed by the respondent Nos. 4, 5 & 6 respectively in favour of the appellant.

2. The present appeal was earlier taken up by this Court on 28.04.2026 and on the said date, this Court admitted the same and ordered to expedite its hearing. In the meantime, the operation of the impugned order dated 15.10.2025 passed in W.P.(C) No. 1647/2021 was stayed.

3. Aggrieved by the order dated 28.04.2026, the private respondents moved the Hon'ble Supreme Court by filing S.L.P. (C) No. 26303 of 2026, which was dismissed vide order dated 10.08.2026 with a request to this Court to hear the instant appeal expeditiously, within a period of six months.

4. The factual background of the case in brief is that the lands situated at Mouza-Gundu, Thana-Hatia, Thana No. 268, District-Ranchi, appertaining to several plots under Khata No. 16, measuring total area of 26.53 Acres were purchased by Mrs. Vironica Tirkey from one Karma Oraon through a registered sale-deed bearing No. 3073 dated 25.04.1944. Out of the said land, Mrs. Vironica Tirkey transferred 8.80 Acres of land by way of gift to Roman Catholic Mission.

5. Mrs. Veronica Tirkey died in the year 1983 and thereafter her four sons amicably divided the remaining property measuring total area of 17.73 Acres among them by way of family arrangement. The land appertaining to Khata No. 16, Plot No. 28, Area-2 Acres, Plot No. 69, Area-1.20 Acres, Plot No. 33, Area-0.93 Acre, Plot No. 146, Area-1 Acre, total area 5.13 Acres (hereinafter referred as 'the said land') came in the share of one of her sons, namely, John Francis Kujur.

6. After partition, John Francis Kujur came in peaceful possession of the said land, which was mutated in his name by the respondent No.6 vide order dated 27.12.1985 passed in Mutation Case No. 22 R 27 of 1985-86. John Francis Kujur subsequently died in the year 1989 and thereafter succession mutation of the said land was done in the name of his wife, namely, Dr. Louisa Barla Kujur vide order dated 01.03.1992 passed in Mutation Case No. 205 R 27 of 1992-93.

7. The brothers of John Francis Kujur preferred Jamabandi Case No. 9 of 2006-07 for cancellation of Jamabandi opened in the name of Dr. Louisa Barla Kujur, however, the said case was dismissed by the Land Reforms Deputy Collector, Sadar, Ranchi (respondent No.5) vide order dated 09.02.2007. Thereafter, Dr. Louisa Barla Kujur preferred two applications under Section 46 of the Chotanagpur Tenancy Act, 1908 for getting permission to sell part of the said land measuring an area of 0.12 Acre & 0.84 Acre respectively to the intending purchasers, which were allowed.

8. Albert Emmanuel Kujur, George Peter Anthony Kujur - the two brothers of John Francis Kujur and Sanjay Pravakar Michel Kujur, Rohit Rajeev Pascal Kujur -

the two sons of his third brother, namely, Late James Christopher Kujur preferred Title Suit No. 41 of 2008 against Dr. Louisa Barla Kujur and the intending purchasers of part of the said land. During pendency of the said suit, Dr. Louisa Barla Kujur died on 06.06.2009 and the present appellant filed an application under Order 1 Rule 10 seeking his impleadment as a defendant in the said suit being the adopted son of Dr. Louisa Barla Kujur. The said suit was dismissed for default vide order dated 16.08.2018, however, it was subsequently restored and is still pending.

9. In the meantime, the appellant filed an application before the respondent No.6 for succession mutation of the said land in his favour and the same was allowed vide order dated 16.01.2017 passed in Mutation Case No. 3353 R 27 of 2016-17/Namkum. Aggrieved by the said order, the father of the respondent No.1, namely, Charles Manoj Kujur filed mutation appeal being Mutation Appeal Case No. 380 R15/2017-18 before the respondent No.5 which was also dismissed vide order dated 09.08.2019.

10. Aggrieved thereby, the father of the respondent No.1 and the respondent No.2 filed revision before the Deputy Commissioner, Ranchi (respondent No.4), which was registered as Mutation Revision Case No. 14 R 15 of 2020-21. During pendency of the said case, the respondent No.1 was substituted after death of his father. The said revision application was also dismissed vide order dated 04.03.2021 (modified on 12.03.2021) observing that inter-se dispute regarding right, title and interest of the parties could not be decided in a mutation proceeding.

11. The private respondents, thereafter, filed a writ petition being W.P.(C) No. 1647 of 2021, which has been allowed by the learned Single Judge vide order dated 15.10.2025 setting aside the orders dated 04.03.2021, 09.08.2019 & 16.01.2017 passed by the respondent Nos. 4, 5 & 6 respectively granting liberty to the parties to work out their further remedies in accordance with law.

12. Learned counsel for the appellant submits that the private respondents have challenged the right, title and interest of the appellant's mother over the said land on the sole ground that a woman is not entitled to inherit the property as per tribal customary law. However, the Hon'ble Supreme Court in the case of ***Ram Charan and Others Vs. Sukhram and Others*** reported in ***2025 SCC OnLine SC 1465*** has clearly held that depriving female heir from the right of inheritance to the property belonging to her father would be against the spirit of Article 14 of the Constitution of India.

13. It is further submitted that once the ancestral property was partitioned and the deceased husband of Dr. Louisa Barla Kujur became the exclusive owner of the said land, the private respondents cannot claim right over the same.

14. It is also submitted that the mutation of the said land in favour of the appellant's mother was challenged by the ancestors of the private respondents before the respondent No.5, however, the same was rejected and thus she was recognized as successor in the revenue records upon the death of her husband.

15. It is further contended that the writ petition filed by the private respondents was allowed on the ground of some minor error appearing in the order dated 16.01.2017 passed by the respondent No.6, which occurred due to limited option of specified column in the prescribed format of mutation application. The Writ Court should not have interfered with the concurrent findings of fact arrived at by the revenue authorities on mere minor technicalities.

16. It is further argued that the learned Single Judge has failed to appreciate that the mutation was allowed in the name of the appellant as ''succession mutation" and not as "transfer mutation". As such, there was no question of filing of any proof of transfer pertaining to the said land in his favour.

17. It is further submitted that the appellant is the adopted son of Dr. Louisa Barla Kujur and is also in possession of the said land. He had filed an application for succession mutation after the death of her mother along with the documents

relating to his claim and the respondent No.6, after taking into account the said documents submitted by the appellant, had allowed the succession mutation in his favour.

18. It is also contended that the private respondents are claiming their right, title and interest over the said land for which the civil suit filed by them is pending adjudication in the Civil Court and as such the revenue authorities have rightly not entertained the said claim.

19. Learned counsel for the private respondents while opposing the contention made on behalf of the appellant, submits that the appellant is not the adopted son of Dr. Louisa Barla Kujur, rather he is a stranger and has got the said land mutated in his name by playing fraud with the revenue authorities.

20. It is further submitted that Dr. Louisa Barla Kujur had died issueless and as such after her death, the private respondents have right, title and interest over the said land.

21. It is also submitted that unless the appellant is declared as adopted son of Dr. Louisa Barla Kujur by a competent Court of civil jurisdiction, he cannot claim right over the said land.

22. It is further contended that as per the appellant's own statement, Dr. Louisa Barla Kujur had adopted him before her marriage, however, he had neither shown any valid law in this regard nor had filed any registered adoption deed before the revenue authorities.

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

24. On perusal of the impugned order dated 15.10.2025, it would be evident that the learned Single Judge has allowed the writ petition by observing that Louisa Barla Kujur had died issueless and the transfer mutation in the name of the appellant was done in absence of any document on record suggesting transfer of the said land in his favour.

25. It transpires from the record of this case that mutation in the name of Dr. Louisa Barla Kujur was running since 01.03.1992 and the objection of the ancestors of the private respondents against the said mutation was rejected by the respondent No.5. After her death, the appellant filed an application for mutation of the said land in his name. A copy of the acknowledgment receipt of Mutation Case No. 3353 R27/2016-17 has been annexed as Annexure-14 to this memo of appeal, which clearly indicates that the said application was filed for "succession mutation". An affidavit dated 01.09.2016 was also filed by the appellant along with the said application.

26. In the said mutation case, the "Revenue Karamchari" submitted the report that the appellant was the only legal heir of Louisa Barla Kujur and was in possession of the said land. Accordingly, the concerned "Revenue Karamchari" recommended for mutation of the said land in favour of the appellant. Based on the report of the "Revenue Karamchari", the respondent No.6 allowed mutation of the said land in favour of the appellant vide order dated 16.01.2017 passed in Mutation Case No. 3353 R 27 of 2016-17.

27. Though it has been mentioned in the order dated 16.01.2017 that the said land was sold to the appellant by Late Dr. Louisa Barla Kujur vide registered sale-deed number/affidavit No. 1123 dated 01.09.2016, however, on bare perusal of affidavit No. 1123 dated 01.09.2016, it would be evident that the same was sworn by the appellant stating that his mother-Louisa Barla Kujur had died and as such succession mutation of the said land should be done in his name. Apart from that, in Correction Slip Serial No. 17024 dated 23.02.2018 generated in favour of the appellant, the words- "By Succession" in the column of "Type of Change" were written.

28. Perusal of the impugned order dated 15.10.2025 suggests that the finding of the learned Single Judge is based on incorrect fact that the mutation of the said land in favour of the appellant was allowed by the revenue authorities as "transfer

mutation". The learned Single Judge is also wrong in taking note of words "sale" and "sale deed" in the order dated 16.01.2017 passed by the respondent No.6, which appears to be typographical or inadvertent error.

29. The respondent No.4 while deciding the revision preferred by the father of the respondent No.1 and the respondent No.2, took into consideration the Matriculation Certificate, Aadhar Card, PAN Card, Marriage Certificate of the appellant and was of prima-facie view that the appellant was the son of the Louisa Barla Kujur and also held that the inter-se dispute regarding right, title and interest of the parties cannot be decided in a mutation proceeding.

30. The purpose of mutation proceeding is to update the government land revenue records by entering the name of a new owner's after transfer of a property by way of sale, gift, succession etc. Once the name of a person is recorded in the revenue record with respect to any land, the rent is realised from him. The provisions of the said Act are not aimed towards settling seriously disputed cases of rights, title and interest over a land. In a mutation proceeding, if there is a serious dispute of right, title and interest over the land between the applicant and the objectors, the revenue authorities should relegate them to seek remedy by filing appropriate suit. The dispute with respect to right, title and interest cannot be entertained under a mutation proceeding, which is otherwise summary in nature meant only for fiscal purposes.

31. In the case of ***Municipal Corpn., Aurangabad, through its Commissioner Vs. State of Maharashtra & Anr.*** reported in ***(2015) 16 SCC 689***, the Hon'ble Supreme Court has held that mutation does not confer any right and title in favour of any one nor cancellation of mutation extinguishes the right and title of the rightful owner. Normally, the mutation is done on the basis of one's possession over the land for the purposes of collecting revenue.

32. For the reasons as aforesaid, the impugned order/judgment dated 15.10.2025 passed by the learned Single Judge in W.P.(C) No. 1647 of 2021 warrants interference of this Court and the same is set aside.

33. The present appeal is, accordingly, allowed reserving liberty to the private respondents to pursue the pending title suit filed by them with respect to the land in question.

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

(RAJESH SHANKAR, J.)

15.09.2026
Satish/AFR

Uploaded on 15.09.2026