IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 739 of 2023

1. Balchand Munda, s/o Late Agnu Munda
2. Pachhu Munda, aged about 40 years,
3. Sandeep Munda, aged about 35 years,

   Both are sons of Late Etwa Munda,

   All are residents of Village - Hocher, P.O. and P.S.-Kanke, District-Ranchi.

... Appellants

Versus

1. The State of Jharkhand.
2. The Commissioner, South Chhotanagpur, Division, Ranchi, P.O. - G.P.O., P.S.-Kotwali, District- Ranchi.
3. The Deputy Commissioner, Ranchi P.O. - G.P.O., P.S. - Kotwali, District-Ranchi.
4. The Additional Commissioner, Ranchi, P.O.- G.P.O., P.S. - Kotwali, District-Ranchi.
5. The Special Officer, Scheduled Area Regulation, Ranchi, P.O. - G.P.O., P.S.- Kotwali, District-Ranchi
6. Machindra Sahu
7. Jaglal Sahu

   Both sons of late Dasrath Sahu, resident of Village- Hocher, P.O. and P.S.-Kanke, District-Ranchi, Jharkhand.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants: Mr Ram Prakash Singh, Advocate
For Resp. Nos. 1 to 5: Mr Ashok Kumar Yadav, Sr. S.C.-I
Mr. Abhijeet Anand, A.C. to Sr. S.C.-I
For Resp. Nos. 6 & 7: Mr Pankaj Kumar Choudhary, Advocate

09/Dated: 21.09.2026

1. Heard learned counsel for the parties.

2. This appeal challenges the learned Single Judge's order dated 29.03.2023 in W.P.(C) No. 2466 of 2017.

3. Several grounds are raised in this appeal, but Mr Ram Prakash Singh, learned counsel for the appellants, submitted that the impugned order was made on 29.03.2023 when, in fact, the 7th

respondent, Etwa Munda, had already expired on 10.10.2021. He submitted that an order made against a dead person is a nullity and, on that ground alone, the impugned order must be set aside.

4. Mr Pankaj Kumar Choudhary, learned counsel for the 6th and 7th respondents (original petitioners) pointed out that since the factum of death was not brought on record before the impugned order was made, there is no question of nullity involved.

5. Though it is the duty of the learned counsel representing the parties to place the factum of death on record and, if possible, provide the names of the legal representatives, an order passed against a dead person cannot be held valid if this has not been done by the learned counsel, who was himself unaware of the position.

6. In the case of **Vikram Bhalchandra Ghongade Vs. The State of Maharashtra, 2025 INSC 1283**, the Hon'ble Supreme Court has reiterated the position that a decree made against a dead person is a nullity.

7. Accordingly, without adjudicating on the merits of the matter and on the ground that the impugned order was made against Etwa Munda after he was no more, we set aside the impugned order dated 29.03.2023 and restore W.P.(C) No. 2466 of 2017 to the file of the learned Single Judge to decide the matter afresh and in accordance with law.

8. This appeal was instituted by legal representatives of Etwa Munda after obtaining leave from this Court. Accordingly, the legal representatives of Etwa Munda are now permitted to be

brought on record in W.P.(C) No. 2466 of 2017, which we have now restored. Further, Mr Ram Prakash Singh, the learned counsel for the appellants, states that he will appear on behalf of the legal representatives of Etwa Munda.

9. Mr Ram Prakash Singh points out that the 6th respondent in the petition, who was one of the appellants in this appeal, has also died during the pendency of this appeal. His legal representatives have also been brought on record in this appeal.

10. Accordingly, even the legal representatives of Agnu Munda are permitted to come on record in W.P.(C) No. 2466 of 2017, which we have now restored. Again, Mr Ram Prakash Singh states that he will appear on behalf of the legal representatives of Agnu Munda as well.

11. This appeal is disposed of in the above terms without any order for costs.

12. All contentions of all parties on merits of the matter are expressly kept open. The pending interlocutory application does not survive and is disposed of.

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

(Rajesh Shankar, J.)

September 21, 2026

N.A.F.R.

APK/VK

Uploaded on 24.09.2026