

(2025) 06 JH CK 0879
In the Jharkhand High Court
Case No : W.P. (C) No. 1132 Of 2025

Damien Social Welfare Centre

APPELLANT

Vs

State Of Jharkhand through the Secretary

RESPONDENT

Date of Decision : 10-06-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 06 JH CK 0879

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Prashant Pallav, P.C. Sinha

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

1. Instant writ petition has been filed under Article 226 of the Constitution of India for direction to remove the scheduled property from the prohibited list of the National Generic Document Registration System (NGDRS) by which the land has been put in prohibited list for registration under the order of the Deputy Commissioner.

2. As per the case of the Petitioner the land pertains to Khata No.136 measuring an area 27 Kathas, 14 Chhatak and 35 Square feet, Mouza Hirapur, Dhanbad, was part of the Jharia Raj Estate and was settled by its Manager in favour of Late Kshitiz Chandra Chattopadhyay vide registered Patta executed on 12th December, 1928.

3. The petitioner purchased the land by two registered sale deed executed in the year 1979 and 1985 and after the purchase, the land was duly mutated in his name. By the impugned prohibited list, the scheduled land has been put in the non-registrable category. The petitioner submitted a representation which was registered as Miscellaneous Case No.8 of 2020 for release of land from the prohibited list, which has not been disposed of till date.

4. It is argued by the learned counsel appearing on behalf of the petitioner that Deputy Commissioner is denuded of the power to put any land in the prohibited list of transfer in view of the ratio laid down by this Court in W.P.(C) No. 847 of 2023.

5. It appears from the submissions advanced on behalf of petitioner that Miscellaneous Case No.8 of 2020 is still pending before the Deputy Commissioner which has been filed for release of the land from the prohibited list. Under the circumstance, Deputy Commissioner, Dhanbad is directed to dispose of the said Miscellaneous Case No.8 of 2020 within six weeks of the order in the light of the settled law on the point.

Writ Petition is disposed of. Interlocutory Application, if any, is also disposed of.