
(2026) 01 JH CK 1679

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5887 Of 2002

Deopal Singh son of late Ledwa Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 22-01-2026

Acts Referred:

Citation : (2026) 01 JH CK 1679

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : S.K. Sharma, R.P. Singh, Rajesh Kumar, Srikant Swroop

Final Decision : Disposed Of

Judgement

Anubha Rawat Choudhary, J

1. Learned counsel for the parties are present.

2. This writ petition has been filed for the following reliefs:-

"For issuance of direction upon the respondents for quashing the order dated 03.11.1995 in S.A.R. Case No. 5/95-96 and order dated 21.08.2001/3.11.01 in S.A.R. Revision Case No. 80/97 passed by Special Officer, Schedule Area Regulation Act and Commissioner, South Chotanagpur Division, Ranchi respectively Respondent nos. 2 & 4 of the writ petition whereby the learned Commissioner set aside the order dated 29.11.1996/30.05.97 as passed in S.A.R. Appeal No. 7R15 f 96-97/T.R. No. 88R 15/96-97 by the Deputy Commissioner, Ranchi which arises out of the order passed in S.A.R. Case No. 5/95-96 by the Special Officer, Schedule Area Regulation, Khunti of the writ petition whereby the learned appellate court had set aside the order of Restoration passed by the Special Officer, Schedule Area Regulation, Khunti in favour of Respondent no. 6. AND

Further direction be issued to the Respondent no. 5 referring to forcibly dispossessed the petitioner from the land in question bearing Khata No. 69

plot no. 784 area 1.36 acres.

3. The learned counsel for the respondents has submitted that the present case is squarely covered by the judgment passed by this court in W.P. (C) No. 5984 of 2001 dated 02.07.2025 wherein the writ petition filed by Anand Kumar Baraik and Others against the same respondents, as are involved in the present case, has been dismissed.

4. The learned counsel for the petitioner has submitted that the present case is relating to Khata No. 69, R.S. Plot no. 784, area 1.36 acres in village Porda, P.S. Karra. He submits that the order impugned in the present case has been passed by learned Commissioner and has referred to page 31 of the writ petition. He submits that the learned Commissioner while dismissing the revision has simply stated "V.O.S. 79/97". Meaning thereby the case is covered by the judgment passed in Revision Case No. 79 of 1997.

5. The learned counsel submits that though the applicant seeking the restoration of the land was same in Revision Case No. 79 of 1997 and also in the present case being Revision Case No. 80 of 1997 but the description of the property was totally different and the parties were not the same. He has submitted that the Revision Case No. 79 of 1997 was relating to Khata No. 11 and the present case is relating to Khata No. 69. He has also submitted that in the present case, the petitioner is in possession of the property by virtue of chain of sale deeds executed by Babu Nandlal Singh. He has submitted that in the present case the ex-landlord had settled the property involved in this case to one Babu Nandlal Singh son of Mahabir Singh by hukumnama dated 15.04.1944 and thereafter there has been repeated sale deeds. The learned counsel has submitted that the Hukumnama involved in the present case and the hukumnama involved in W.P. (C) No. 5984 of 2001 are also different.

6. He submits that the matter may be remanded back to the learned Commissioner for fresh consideration as the case of the petitioner has not been considered in the light of facts of the case. He has also submitted that each case has different set of facts. Merely because the applicant seeking restoration of land was the same, it does not mean that both the cases are covered by the same facts.

7. During the course of argument, it transpired that even the jamindari return and also jamindari rent receipts have not placed on record to which the learned counsel for the petitioner has submitted that the materials already placed before the authorities can be considered by the learned Commissioner and the point of limitation is also an important aspect which is required to be considered.

8. He has also submitted that the maintainability of the petition under Section 71A is also required to be considered as the caste status of the applicant seeking restoration was 'Baraik' and 'Baraik' community does not come under schedule tribe community.

9. The learned counsel has also submitted that the appellate order passed by the Deputy Commissioner is a reasoned order which was decided in favour of the petitioner and it was incumbent upon the learned Commissioner to deal with the reasons which was before setting aside the order passed by the learned Commissioner.

10. The learned counsel appearing on behalf of the private respondents has submitted that the order passed by the SAR Court reveals that a caste certificate was issued to the applicant showing his caste status as 'Chik Baraik'. He has submitted that unless the caste certificate is set aside by competent authority i.e. the Caste Scrutiny Committee, the same is binding on all concern and therefore it is not open to the petitioner to question the caste status of the private respondent as 'Chik Baraik'. He has also referred to the judgment passed by the Hon'ble Supreme Court in the case of Kumari Madhuri Patil versus Additional Commissioner reported in (1994) 6 SCC 241.

11. The learned counsel for the private respondent has submitted that neither this court nor the learned Commissioner has any jurisdiction to question or to decide on the caste status of the private respondent once the caste certificate has been duly issued by the competent authority.

12. So far as the other points which has been raised by the learned counsel for the petitioner is concerned, it is not in dispute that the property involved in the present case is different from the property involved in W.P. (C) No. 5984 of 2001 and the Hukumnama on the basis of which the petitioner of each case is claiming is also different. In W.P. (C) No. 5984 of 2001, the hukumnama is of the year 1938 and in the present case, the petitioner is referring the Hukumnama of the year 1944. The learned counsel has also submitted that Hukumnama is an un-registered document and no jamindari rent receipt has been placed on record in the writ petition. He is not aware as to whether the jamindari rent receipts at all has been placed before the concerned authorities as the records of the concerned authorities have not been called for by this court. However, he submits that these matters can be looked into by the learned Commissioner and a date and time line be fixed.

13. The learned counsel for the respondent state has supported the arguments of the private respondents.

14. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this court finds that the learned Commissioner while passing the order has simply referred to the order passed in another case and has neither dealt with the facts and circumstances of the present case nor dealt with the reason assigned by the learned Deputy Commissioner who had passed the order in favour of the petitioner. This court is also of the view that the property involved in W.P. (C) No. 5984 of 2001 and the present case are different though the applicant seeking restoration of land was the same and further petitioners of both the cases are referring to

different hukumnamas. The petitioners of both the cases are also different.

15. In view of the fact that the learned Commissioner has not passed order referring to the facts and the materials placed on record of the present case, the order impugned by the learned Commissioner i.e. Order No. 24/21.08.2001/03.11.2001 (page no. 31 of the writ petition) passed in S.A.R. Revision Case No. 80 of 1997 cannot be sustained in the eyes of law and is accordingly set aside.

16. The matter is remanded to the learned Commissioner for passing fresh order with respect to S.A.R. Revision Case No. 80 of 1997 after calling for the records from the SAR Officer and also from the appellate authority and after considering the materials which are already placed on record before the SAR Officer/appellate authority.

17. The parties are directed to appear before the learned Commissioner on 17.02.2026 at 11 A.M. and the final reasoned order be passed by the learned Commissioner latest by 30.05.2026 after giving full opportunity of hearing to the parties.

18. In order to ensure that all the aspects of the matter are taken into consideration and there is no gap, the learned Commissioner may call upon the parties to file their written submission and also file judgment which they seek to rely upon.

19. With the aforesaid observation and direction, this writ petition is disposed of.

20. Pending I.A., if any, is closed.