
(2018) 04 JH CK 0062
In the Jharkhand High Court
Case No : W.P. (C) No. 2961 of 2008

HEMAN TIWARI

APPELLANT

Vs

STATE OF JHARKHAND

RESPONDENT

Date of Decision : 03-04-2018

Acts Referred:

Citation : (2018) 04 JH CK 0062

Hon'ble Judges : ANUBHA RAWAT CHOUDHARY, J

Bench : Single Bench

Advocate : Ashish Kr. Thakur,

Final Decision : Dismissed

Judgement

1. No one appears on behalf of the petitioner.Â
2. Heard Mr. Ashish Kr. Thakur, counsel appearing on behalf of the respondent-state.Â
3. This writ petition has been filed for the following reliefs:-Â
â??For quashing the Zamabandi Cancellation Revision No. 37/2005 including order dated 15.01.2008/24.01.2008 passed by the respondent no. 2
(Annexure-1) Commissioner, North Chhotanagpur Division, Hazaribag to this writ application in connection with Khata No. 215, Plot No. 3975, area 0.03 decimal and other Plot No. 2675 area 0.35 decimal, Mouza-Atkadih, total land in question is 0.38 decimals of land which was purchased from Radha Devi w/o Babulal Tiwari in the year 1948 by Registered Sale Deed.â??Â
4. Counsel for the respondents submits that the counter affidavit has been filed in this case and the impugned order dated 15.01.2008/24.01.2008 has been rightly passed wherein it has been observed that grievance in connection with the said right, title, interest and possession can be duly adjudicated

by a competent court of civil jurisdiction. He further submits that the petitioner has also suppressed material facts by not disclosing the order dated

24.08.2000 passed in Mutation Case No. 18/2000-01 which was never challenged and the same has attained finality. However, he submits that

disputed question of right, title and possession cannot be adjudicated in the writ jurisdiction and the parties may be relegated to get their grievances

redressed by a competent court of civil jurisdiction.Â

5. Considering the facts and circumstances of the case and after going through the records, this court is not inclined to grant any relief to the petitioner

in exercise of power under Article 226 of the Constitution of India as the disputed questions of facts involved in this case cannot be adjudicated in writ

jurisdiction. However, the petitioner is at liberty to get his grievance redressed in connection with right, title, interest and possession of the property

involved in this case by a competent court of civil jurisdiction.Â

6. This writ petition is dismissed with the aforesaid liberty.Â

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