
(2025) 07 JH CK 1184

In the Jharkhand High Court

Case No : W. P. (C) [Filing] No. 6343 Of 2025

Sudar Lal @ Sundar Prajapati

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 02-07-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 152
Code of Criminal Procedure, 1973 — Section 133

Citation : (2025) 07 JH CK 1184

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Prabhat Kr. Sinha, Manisha Kumari, Maushmi Chatterjee

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

Heard, learned counsel for the parties.

1. After going through the defect as pointed out by the office, the surviving defect(s) is hereby ignored for the present.

2. The instant Writ Petition has been filed for issuance of a Writ in the nature of Certiorari for quashing of the order dated 10.05.2025 passed by the Respondent No.4 [The Sub-Divisional Officer, Chandil] in Misc. Case No.01 of 2024 whereby and whereunder the application of Respondent No.6 under Section 133 Cr.P.C./ 152 BNSS has been allowed.

3. It is argued by learned counsel for the petitioner that the petitioner has title and possession over the land appertaining to Plot No.366, Khata No.119 of Village- Dobo, out of which, 25 decimals of land was acquired for construction of road. However, 50 decimals of land was transferred to the Executive Engineer, Road Construction Department as the same will be apparent from annexure annexed as Annexure-2.

4. It is submitted that from Letter No.566 dated 23.06.2022, it will be apparent that the name of Maheshwari Devi who happens to be the mother of petitioner is entered in Register II with respect to land measuring 4.57 acres, Plot No.366, Khata No.119, Mauza- Dobo issued by the Circle Officer, Chandil.

5. The main contention of the petitioner is that after acquisition and after construction of road, the remaining part of Plot No.366 is under possession of the petitioner as the same will be apparent from map drawn by Anchal Amin and enclosed with the Letter No.566 dated 23.06.2022.

6. Main grievance of the petitioner is that proceeding was initiated at the instance of Respondent No.6 before the Respondent No.4 [The Sub-Divisional Officer, Chandil], claiming the same land to be a public land on which allegedly the petitioner had created obstruction.

7. It is argued that the Respondent No.4 [The Sub-Divisional Officer, Chandil] initiated the proceeding, without appreciating the fact that the land, in question was private land and is in possession of the petitioner.

8. Having considered the submissions advanced on behalf of the parties and without entering into the merit of the present case, it is apparent that the petitioner has statutory remedy to prefer revision against the impugned order, but without having recourse to that, the instant Writ Petition has been filed.

Under the circumstance Writ Petition being not maintainable is dismissed. Pending I.A., if any, stands dismissed.

9. The petitioner is at liberty to approach the Revisional Authority within a month of this order.

10. In the meantime, the impugned order passed by the Respondent No.4 [The Sub-Divisional Officer, Chandil] shall remain stayed.