

(2025) 11 JH CK 1952

In the Jharkhand High Court

Case No : Civil Miscellaneous Petition No. 1064 Of 2025

Vijay kant Pandey

APPELLANT

Vs

State Of Jharkhand Represented Through The Deputy
Commissioner

RESPONDENT

Date of Decision : 18-11-2025

Acts Referred:

Code of Civil Procedure, 1908 — Order 39 Rule 1, Order 39 Rule 2
Specific Relief Act, 1963 — Section 41(ha)

Citation : (2025) 11 JH CK 1952

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Praveen Akhauri, Mithilesh Singh

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

1. The petitioners are the plaintiffs and are aggrieved by the order passed in Original Suit No. 23/2017 by which the prayer for temporary injunction filed under Order 39 Rule 1 & 2 of CPC has been dismissed by the Trial Court and affirmed in appeal by the Principal District Judge, Latehar.

2. The petitioner filed the suit for declaration of title with respect to the land situated in Village Kinamarh, District Latehar. It is submitted by learned counsel for the petitioners that subsequently an amendment was allowed in favour of the plaintiff for incorporating the recovery of possession in the relief portion of the plaint.

3. The petition for temporary injunction has been rejected, inter alia, on the ground that a hospital is under construction by the State Government on the schedule property and, therefore, balance of convenience was not in favour of the plaintiff seeking relief of temporary injunction.

4. Learned counsel for the petitioners submits that by construction of hospital,

the nature of land will be changed.

5. Learned counsel for the State has defended the impugned order.

6. Having considered the rival submissions and on perusal of the materials on record, it is manifest that a public project is under construction on the suit property over which the State claims title. Further, a temporary injunction petition is not maintainable in view of Section 41(ha) of the Specific Relief Act, it restricts civil courts from entertaining disputes related to infrastructure projects, mandating such cases be transferred to designated special courts. The section emphasizes the statutory framework that limits the jurisdiction of regular civil courts over certain infrastructure-related disputes, ensuring expeditious and specialized adjudication.

7. Under circumstance, I do not find any infirmity in the impugned order. Civil Miscellaneous Petition accordingly stands dismissed. Pending I.A., if any, also stands disposed of.

8. Any construction made over the suit property during pendency of the suit will be subject to the final outcome of the case.