

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 6150 of 2022

Hari Nandan Singh, son of Late Budhan Singh, aged about 76 years, Resident of Quarter No.-2363, Sector-4/D, P.O. & P.S.-Sector-4, Bokaro Steel City, District Bokaro (Jharkhand), PIN 827004.**Petitioner**

Versus

1. The State of Jharkhand;
2. Deputy Commissioner, Bokaro having Office at Camp-2, P.O.-Bokaro Steel City H.O., P.S.-Bokaro Steel City Police Station, District-Bokaro (Jharkhand), PIN-827001.
3. Additional Collector, Bokaro having Office at Camp-2, P.O.-Bokaro Steel City H.O., P.S.-Bokaro Steel City Police Station, District-Bokaro (Jharkhand), PIN-827001.
4. Sub-Divisional Officer, Chas having Office near Chas Jail, P.O. & P.S.-Chas, District-Bokaro, PIN-827013.
5. Deputy Collector Land Reforms, Chas having Office near Chas Jail, P.O. & P.S.-Chas, District-Bokaro, PIN-827013.
6. Anchal Adhikari, Chas having Office at Chas Jail, P.O. & P.S.-Chas, District-Bokaro, PIN-827013.
7. Head Assistant, Anchal Adhikari Office, Chas, P.O. & P.S.-Chas, District-Bokaro (Jharkhand), PIN-827013.
8. Tripti Ghoshal, W/o Late Satya Narayan Ghoshal, R/o Main Road, Chas, P.O and P.S Chas, District Bokaro, PIN 827013
- 9.i. Rajesh Kumar (Nonia)
- 9.ii. Anand Kumar (Nonia)
Both S/o Late Sachu Nonia, North side Holder of Sub Plots Marked 'L1' and 'L2' of Plot No. 1017, R/o Telidih, Telidih Choura Basti Road, P.O. Narayanpur, P.S. Pindrajora, District Bokaro, PIN 827013.
10. Sri Triveni Pandit, S/o Late Shiv Pandit, Holder of Sub Plots marked 'L4' of Plot No. 1017, R/o Telidih, Telidih Choura Basti Road, P.O. Narayanpur, P.S. Pindrajora, District Bokaro, PIN 827013.
11. Sunil Choudhary, S/o Late Ram Deo Choudhary & on West Side Holder of Sub Plots marked 'V' of Plot No. 1017, R/o Telidih, Telidih Choura Basti Road, P.O. Narayanpur, P.S. Pindrajora, District Bokaro, PIN 827013.**Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : In Person
For the Respondent(s) : Mr. Binit Chandra, A.C. to AAG-III
Mr. Bhaiya V. Kumar, Advocate
Mr. Raj Nandan Chatterjee, Advocate

C.A.V. ON: 09.02.2026**PRONOUNCED ON: 01/04/2026**

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioner praying therein for the following reliefs:

i) The instant writ application is being filed for issuance of a writ in the nature of certiorari or any other appropriate writ (s), Order (s), Direction (s) for quashing impugned order No. Nil, Date of order Nil (Annexure-V) passed by Deputy Commissioner, Bokaro (Respondent No. 2) in complete connivance with Additional Collector, Bokaro (Respondent No. 3) and a photo copy sent by Registered Post No. RJ 103994604IN dated 24.11.2021 and delivered on 25.11.2021 to the petitioner, through memo no. 2214/Revenue, dated 27/10/2021, reserved in advance by District Revenue Section, Bokaro for passing order in future; Whereby all applications of the Petitioner, in person, have been made cancelled (Null and void/ineffective) with immediate effect; WHEREAS in Order No. 03/12.08.2021 passed in Case W.P.(Cr.) No. 101 of 2021 by Hon'ble Mr. Justice Sanjay Kumar Dwivedi, High Court of Jharkhand, Ranchi (Annexure-I) the petitioner, in person, had been directed to file Petition before Deputy Commissioner, Bokaro (Respondent No. 2), and Deputy Commissioner, Bokaro had been directed to must hear Grievance of the Petitioner, in person and pass a reasoned order to redress Grievance of the petitioner, in person Therefore, this illegal action of Deputy Commissioner, Bokaro (Respondent No. 2) in complete connivance with Additional Collector, Bokaro (Respondent No. 3) is in violation of Order No. 03/12.08.2021 passed in Case W.P.(Cr.) No. 101 of 2021 by Hon'ble Mr. Justice Sanjay Kumar Dwivedi, High Court of Jharkhand, Ranchi (Annexure-I), is in infringement of Fundamental Right of the petitioner under Article 19(1)(a) of the Constitution of India and also in gross violation of the Principles of Natural Justice.

3. The case of the petitioner, in brief, is that he along with his wife jointly purchased 10 decimals of land appertaining to Mauza Telidih, Khata No. 24, Plot No. 1017, by registered Sale Deed No. 2132 dated 14.03.1981. The names were duly mutated in Case No. 67(VII)/82-83 and correction slip was also issued to the petitioner. Subsequently, pursuant to the directions of the Land Reforms Deputy Collector, Chas and the Anchal Adhikari, Chas, the measurement (*Mapi*) of the entire 10 decimals of land was conducted on 22.05.2013.

4. It has been alleged that thereafter one Sachu Nonia encroached upon 2 decimals of the said land by raising a boundary wall. The petitioner instituted a proceeding under Section 144 CrPC being M.P. Case No. 412 of 2014. By order dated 18.02.2015, the Sub-Divisional Magistrate, Chas directed deputation of armed force and a Magistrate for ensuring '*Dakhal Dihani*' during measurement; however, the same was not implemented. Thereafter, subsequent measurements were conducted on different dates, wherein the recorded area was shown as 8.5 decimals (12.03.2015), 8.10 decimals (11.09.2015) and 8.11 decimals (29.03.2016), allegedly diminishing from the original 10 decimals.

5. Thereafter, alleging non-action of the District Administration, the petitioner preferred W.P.(C) No. 1042 of 2021 before this Court, later converted to W.P.(Cr.) No. 101 of 2021, which was disposed of on 12.08.2021 directing the Deputy Commissioner, Bokaro to pass a reasoned order on the grievance of the petitioner.

6. In pursuance thereof, the petitioner filed complaint petitions dated 07.09.2021 before the Deputy Commissioner enclosing relevant documents. The Deputy Commissioner, however, passed the impugned order cancelling the applications of the petitioner without assigning reasons and granting liberty to seek remedy before the competent civil court.

7. The petitioner, thereafter, instituted Contempt (Cr.) No.

07 of 2021, alleging non-compliance of the order dated 12.08.2021, which was disposed of on 28.04.2022 granting liberty to challenge the order of the Deputy Commissioner before the appropriate forum. Subsequently, W.P.(Cr.) No. 480 of 2021 was filed and by order dated 05.12.2022 the petitioner was directed to avail civil remedy, holding the dispute to be civil in nature. Hence, the present writ petition.

8. The petitioner-in-person had submitted that the authorities have failed to comply with the order passed in M.P. Case No. 412 of 2014 regarding deputation of armed force and Magistrate for “*Dakhal Dihan*” and the measurement reports on different occasion of *mapi* were erroneous as his registered sale deed is for the land having measurement of 10 decimals and not less than that. He had also submitted that the Deputy Commissioner did not pass a reasoned order in terms of the direction of this Court in W.P.(Cr.) No. 101 of 2021 dated 12.08.2021; and that relevant documents were not considered.

9. He had also contended that the reason behind discrepancy in measurement of land is due to not considering the *chauhadi* appropriately as the Government Amins of Jharkhand and Revenue Officers of Jharkhand have misconception of term ‘*Chauhadi*’ as *Chauhadi* of a plot is meant to indicate location/identification of the plot and it can be expressed in several ways.

10. *Per contra*, learned counsel for the Respondent No. 9 (i)

& (ii) had submitted that although the area in Petitioner's sale deed is mentioned as 10 decimals and boundary is also given mentioning length North and South 69 feet while East 63.3 feet and towards West the length from North to South 57 feet but the calculation of this dimension is not equivalent to 10 decimals. It was also submitted that the petitioner has put boundary wall over his land leaving 6.5 feet after 12 feet road towards Southern side and now, he wants to enter through Respondent's land by encroaching 6.5 feet.

11. Ld. Counsel had also submitted that out of the 10 decimals land purchased by the petitioner, only 8.11 decimal land is in his possession and even the boundaries are not clearly mentioned in his deed and thus it could not be clarified that the petitioner's land is actually 10 decimals. He had vehemently submitted that pursuant to order passed in W.P.(Cr.) No. 101 of 2021 dated 12.08.2021, the Deputy Commissioner, Bokaro has passed a reasoned order after perusing the entire documents produced by the petitioner and the order is just and proper having no question of biasness.

12. Having heard the petitioner-in-person and learned counsel for the Respondents and after going through the materials available on record, it is apparent that the petitioner and his wife jointly purchased 10.00 decimal land vide registered sale deed no. 2132 dated 14.03.1981 and the 1st measurement (*Mapi*) for the same was completed on 22.05.2013.

13. The dispute arose when one person namely Sachu Nonia allegedly encroached 2 decimals of the petitioner's land by raising a boundary. Thereafter, multiple times measurement (*Mapi*) of the land was done by respondent authorities wherein, the land measurement was reduced and did not come upto the claimed 10 decimals.

14. Pursuant to the order in W.P. (Cr.) No. 101 of 2021 wherein the matter was referred to Deputy Commissioner, Bokaro to pass a reasoned order for the instant issue raised; the Deputy Commissioner passed the order stating that the case of the Petitioner is affected by "*Complicated Fact and Complicated Question of Law*" and also given liberty to petitioner to file suit in the appropriate court of law.

15. Having regards to the above, it is evident that the entire dispute relates to following issue: -

- (i)** The exact area of land purchased under the sale deed;
- (ii)** Correctness of successive measurements conducted by the concerned authorities;
- (iii)** Alleged encroachment by one individual namely Sachu Nonia;
- (iv)** Discrepancy related to the claimed 10 decimals of land and boundary description in the deed.

16. On perusal of the impugned order, it transpires that the land measurement has been done by the *amin* based on the

registered document without observing any clear boundary (*chauhadi*) or clear area (*rakwa*) due to some errors in the map accompanying the registered document and as such the measurement is not clear.

17. The impugned order passed by Deputy Commissioner, Bokaro, though challenged as unreasoned by the petitioner but it clearly states that the case is affected by the “*complicated fact and complicated question of law*” and it appropriately directed the petitioner to seek remedy before the competent civil court, consistent with jurisdictional limits.

18. Determination of the issues involved in the instant case necessarily involves adjudication of disputed questions of fact and these are matters squarely falling within the domain of a competent civil court.

19. It is well settled that in exercise of jurisdiction under Article 226 of the Constitution of India, this Court does not adjudicate disputed questions of fact, particularly in matters relating to title, boundary and possession of immovable property.

20. In this regard, reference may be made to the judgment rendered by Hon’ble Supreme Court in the case of ***Roshina T. v.***

Abdul Azeez K.T.¹ wherein it has been held that:

“14. It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court

¹(2019) 2 SCC 329

cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant.”

21. The impugned order dated 27.10.2021, in essence, directed the petitioner to avail remedy before the competent civil court. In the facts of the present case, such course cannot be said to be without jurisdiction. Even otherwise, once the dispute is essentially civil in nature, this Court would refrain from exercising writ jurisdiction.

22. In view of the aforesaid, this Court is of the considered opinion that no interference is warranted in exercise of writ jurisdiction.

23. Accordingly, the writ petition stands dismissed. The petitioner shall be at liberty to avail appropriate remedy before the civil court of competent jurisdiction, if so advised. It is made clear that this Court has not expressed any opinion on the merits of the claim of either of the parties.

(Deepak Roshan, J.)

APRIL 01, 2026

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