

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No. 5263 of 2021**

Harikishor Singh

... .. Petitioner

Versus

The State of Jharkhand through the Principal Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand & Ors.

.... .. Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner : Mr. Hardeo Prasad Singh, Advocate

For the Resp.-State : Mr. Shubham Gautam, A.C. to G.P.-I

02/22.12.2021      The present case is taken up through video conferencing.

Learned counsel for the petitioner undertakes to remove the remaining defects, as pointed out by the office, within two weeks.

The present writ petition has been filed for quashing and setting aside the order dated 16.11.2021 (Annexure-9 to the writ petition) passed by the Sub-Divisional Officer, Deoghar (the respondent no. 4) in Revenue Miscellaneous Case No. 33/2021-22 whereby the petitioner has been evicted from the land appertaining to plot no. 708/719, Khata no. 40, Thana No.-118, Mouza-Jasidih measuring an area of 03 decimals by the said respondent exercising the power conferred under Section 42 of the Santhal Parganas Tenancy Act, 1949 (in short, "the Act, 1949").

Learned counsel for the petitioner submits that the land in question was purchased by the petitioners' father- Madan Singh son of Late Yamuna Singh from Ramnath Singh, Sobhnath Singh, Baleswhar Singh (all sons of Chandrama Singh) and Munna Devi through registered sale deed executed on 29.01.1981. The said land stands recorded as "Makan May Sahan" in the name of Rameshwar Singh, Sridhar Singh and Chandrama Singh. The respondent no. 4 while passing the impugned order dated 16.11.2021 has committed serious error in ignoring the fact that no illegality was committed while transferring the land by the vendors to the father of the petitioner. In fact, the respondent no. 4 had no jurisdiction to invoke Section 42 of the Act, 1949 so as to evict the petitioner from the land in question as he/his predecessor-in-interest has been in possession of the same for about 40 years.

Issue notice.

Mr. Subham Gautam, learned A.C. to G.P.-I appears and waives notice on behalf of the respondent nos. 1 to 7. He prays for and is allowed six weeks' time to seek instruction and file counter affidavit.

Issue notice to the respondent no. 8 through registered post with

A/D for which requisites etc. must be filed by tomorrow i.e. 23.12.2021.

Put up this case under appropriate heading in the week commencing from 14<sup>th</sup> February, 2022.

The operation and execution of the impugned order dated 16.11.2021 passed by the respondent no. 4 in Revenue Miscellaneous Case No. 33/2021-22 shall remain stayed till the next date of listing.

**(Rajesh Shankar, J.)**

Ritesh