

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Writ Jurisdiction)**  
**W.P. (C) No. 2244 of 2009**

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Karam Chand Murmu & Others       ....       ....       Petitioners  
**Versus**  
The State of Jharkhand & Others       ....       ....       Respondents

**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through : Video Conferencing)**

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For the Petitioners                                : Mr. Dilip Kumar Prasad, Advocate.  
For the Respondent / State                        : Mr. P.C. Roy, S.C. (L&C)-I.  
For the Respondent Nos. 3, 5, 6,  
7, 9, 10, 11 & 13                                 : Mr. Ranjan Kr. Singh, Advocate.

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**06/08.09.2021.**

It has been submitted by learned counsel, Mr. Dilip Kumar Prasad, that the file belongs to learned counsel, Mr. Rabindra Kumar Mishra, who is no more, as such, this Court may pass necessary order either by informing the petitioner or passing any order as deems fit.

Learned counsel for the State, Mr. P.C. Roy, S.C. (L&C)-I has appeared on behalf of respondent nos. 1 & 2.

Learned counsel, Mr. Ranjan Kumar Singh appearing on behalf of respondent nos. 3, 5, 6, 7, 9, 10, 11 & 13 has submitted that writ petition is itself not maintainable, as correction in Purcha has been sought for without availing any remedy before the court of Settlement Officer, as such Commissioner, Santhal Pargana Division, Dumka has rightly passed order dated 20.06.2008 in Settlement Purchas Correction Case No. 450/1995-96 to be not maintainable.

It appears from the record that one Interlocutory Application bearing I.A.No. 11206/2018 has been preferred by the petitioners to substitute the legal heirs of respondent no. 8 namely, Madan Murmu, who died during pendency of the writ petition, leaving behind six legal heirs namely, (i) Sanjhali Kisku, wife of Late Madan Murmu, (ii) Fuleshwar Murmu, son of Late Madan Murmu, (iii) Lakhan Murmu, son of Late Madan Murmu, (iv) Sanjhila Murmu, son of Late Madan Murmu, (v) Rajendra Murmu, son of Late Madan Murmu and (vi) Disel Murmu, son of Late Madan Murmu, all resident of Village – Amarpur, P.O. - Pathra, P.S. - Godda Nagar, District – Godda.

In the facts and circumstances of the case, I.A. No. 11206/2018 is allowed.

Considering the rival submissions of the parties, looking into the order dated 20.06.2008 passed by Commissioner, Santhal Pargana Division, Dumka in Settlement Purchas Correction Case No. 450/1995-96, it appears that no relief can be granted under Article 226 of the Constitution of India, as disputed question of fact is to be adjudicated by competent court of Civil Jurisdiction.

Under the aforesaid circumstances, the writ petition is hereby dismissed. The petitioners may avail remedy available under the law.

Office is directed to communicate this order to all the six petitioners.

**(Kailash Prasad Deo, J.)**

Sunil/-