

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1521 of 2020

Shiv Shankar Singh Munda

..... Petitioner

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Khunti
3. The Sub-Divisional Officer, Khunti
4. The Land Reforms Deputy Collector, Khunti
5. The Circle Officer, Arki Circle, Khunti
6. Nagendra Singh Munda
7. Padmalochan Singh Munda

..... Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner:

Mr. A. K. Sahani

For the State:

Mr. Manav Poddar, A.C to A.A.G-I

03/09.07.2020 The present writ petition has been filed for quashing the order dated 02.12.2019 passed by the respondent No.4 in Misc. Appeal No. 03/2016-17 (Annexure-9 to the writ petition) whereby the appeal preferred by the respondent Nos. 6 & 7 has been allowed and the order dated 08.04.2016 passed by the respondent No.5 in Misc. Case No. 01/2014-15 (Annexure-5 to the writ petition) in favour of the petitioner has been set aside. Further prayer has been made for issuance of direction upon the respondent No.5 to cancel the mutation of the land in question in favour of the respondent Nos. 6 & 7.

Heard learned counsel for the parties and perused the contents of the present writ petition.

The petitioner had earlier preferred a writ petition being W.P.(C) No. 995/2018 before this Court challenging the order dated 23.09.2017 passed by the respondent No.3 in Misc. Case No. M-03/2016-17. The said writ petition was disposed of by this Court vide order dated 15.07.2019 directing the respondent No.4 to decide the appeal preferred by the respondent Nos. 6 & 7 under Section 15 of the Bihar (now Jharkhand) Tenant's Holdings (Maintenance of Records) Act, 1973 [hereinafter referred to as 'the Act, 1973'] within a specified period. In compliance of the said order, the respondent No.4 has passed the impugned order dated 02.12.2019 whereby the appeal preferred by the respondent Nos. 6 & 7 has been allowed and the order passed by the

respondent No.5 in favour of the petitioner has been set aside. Aggrieved by the said order, the petitioner has filed the present writ petition.

In my view, the petitioner has approached this Court without exhausting the remedy of preferring revision under Section 16 of the Act, 1973 before the Collector against the impugned order dated 02.12.2019 passed by the respondent No.4 in Misc. Appeal No. 03/2016-17. Hence, I am not inclined to entertain the present writ petition at this stage and the same is accordingly dismissed as not maintainable.

The petitioner is however at liberty to file revision before the Collector under Section 16 of the Act, 1973 against the impugned order dated 02.12.2019 passed by the respondent No.4 in Misc. Appeal No. 03/2016-17.

Satish/-

(RAJESH SHANKAR, J)