

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 6728 of 2011

Jitu Mahto, son of Late Jailal Mahto, resident of village-Pandherpala, PO&District-Dhanbad Petitioner

Versus

1. The State of Jharkhand
2. The Settlement Officer, Dhanbad, PO&District-Dhanbad
3. Gopal Mahto, son of late Nakul Mahto
4. Dalu Mahto, son of Mithu Mahto
5. Ramesh Mahto, son of Gangadhor Mahto
6. Kishun Mahto, son of Nagesara Mahto
7. Devendra Mahto
8. Naresh Prasad Mahto
9. Anand Mahto
10. Sanjay Mahto

respondent nos. 7 to 10 sons of Late Jageshwar Mahto

11. Jagdish Mahto, son of Late Prayag Mahto
12. Shankar Prasad Mahto, son of Late Nandu Mahto
13. Maheshwar Mahto, son of Late Sukhlal Mahto

All resident of Pandherpala, PO&District-Dhanbad

... ... Respondents

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner : Mr. Sanjay Prasad, Advocate

For the State : Mr. Chanchal Jain, J.C. to A.G.

07/28.03.2018 Order dated 26.05.2011 passed by the Settlement Officer in Suit No. 107 of 2000 is under challenge.

The impugned order has been passed under sub-section 1 to Section 87 of the Chotanagpur Tenancy Act, 1908. Against this order an appeal would lie under sub-section 2 to Section 87 and accordingly, in view of the alternative statutory remedy of appeal available to the petitioner, the writ petition is held not maintainable.

Accordingly, the writ petition is dismissed, however, with liberty to the petitioner to file appeal against the impugned order dated 26.05.2011, if so advised, within three months.

(Shree Chandrashekhar, J.)

Tanuj/-