

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Writ Jurisdiction]

**W.P.(C) No. 3033 of 2008**

Baikunth Prasad Baranwal & Ors. .... . . . Petitioners  
Versus  
The State of Jharkhand & Ors. . . . . Respondents  
.....

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

.....  
For the Petitioners : Mr. Arvind Kumar Choudhary, Advocate  
For the Respondent-State : Mr. P.C. Roy, SC (L&C)-I  
For the Pvt.-Respondents : Mr. Niranjan Kumar, Advocate  
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**08/ 29.10.2021.**

Heard, learned counsel for the parties.

Learned counsel for the petitioners, Mr. Arvind Kumar Choudhary has submitted that petitioners is seeking permission of this Court to withdraw the instant writ petition so that title on the basis of transfer made in favour of the petitioners, long long ago may be adjudicated by the learned Sub-Judge, Deoghar, who has territorial jurisdiction over the suit land.

Learned counsel for the petitioners has submitted that because of on going survey operation in the Santhal Parganas Division, the Settlement Officer, Dumka is the authority concerned where the Title Suit can be filed under Regulation 5 of the Santhal Parganas Settlement Regulation, 1872 and the same may be transferred to the learned Sub-Judge for adjudication under Section 5-A of the Santhal Parganas Settlement Regulation, 1872, but this will take some time in transfer of the file and the injunction petition shall be heard by the Sub-Judge only after considering the case on merits of both sides, as such, this Court may grant interim relief to the petitioners, whose writ petition is pending before this Court since, 2008.

Learned counsel for the resp.-State, Mr. P.C. Roy, SC (L&C)-1 as well as learned counsel for the Pvt.- respondents, Mr. Niranjan Kumar has serious objection and submitted that such liberty may not be granted to the petitioners. However, petitioners are at liberty to agitate the issue before the competent court of Civil Jurisdiction for confirmation of his title and confirmation of possession.

Considering the rival submissions of the parties, looking into the facts and circumstances of the case, that the writ petition is pending before this Court since, 2008 and the impugned order passed by the Commissioner is of dated 28.02.2008, as such, it would be proper that interim protection may be given in favour of the petitioners. The petitioners are at liberty to prefer Title Suit within a period of 30 days

from today before the Settlement Officer, Dumka under Regulation 5 of the Santhal Parganas Settlement Regulation, 1872.

The Settlement Officer, Santhal Parganas, Dumka/Deputy Commissioner, Dumka is directed to transfer the case to the learned Sub-Judge, Deoghar having local jurisdiction within a period of four weeks thereafter.

The Sub-Judge, Deoghar shall ensure appearance of the private-respondents, as Mr. Niranjan Kumar has submitted that copy may be served to the Private-respondents after due notice by the learned Sub-Judge and after appearance of the respondents, injunction petition may be decided within a period of two weeks from the date of appearance.

In view of that matter, the status -quo shall be maintained and the petitioners shall not be evicted from the land till the injunction petition is disposed of by the learned Sub-Judge, Deoghar, but if any terms and conditions is violated by the petitioners, the interim relief granted by this Court shall be automatically vacated.

Accordingly, the instant Writ Petition is hereby disposed of.

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

R.S.