



IN THE HIGH COURT OF JHARKHAND AT RANCHI

**L.P.A. No. 54 of 2024**

1. The State of Jharkhand Secretary, Department of Revenue, Registration and Land Reforms, Govt. of Jharkhand, Project Bhawan, P.O.: Dhurwa, P.S.: Jagannathpur, District-Ranchi, Jharkhand
2. Inspector General of Registration, Govt. of Jharkhand, Project Bhawan, P.O.: Dhurwa, P.S.: Jagannathpur, District-Ranchi, Jharkhand
3. Commissioner, South Chhotanagpur Division, Ranchi, P.O., P.S. & District-Ranchi
4. Deputy Commissioner, Ranchi, P.O., P.S. & District-Ranchi
5. Additional Collector, Ranchi, P.O., P.S. & District-Ranchi
6. Sub Divisional Officer, Sadar, Ranchi, P.O., P.S. & District-Ranchi
7. Land Reforms Deputy Commissioner, Ranchi P.O., P.S. & District-Ranchi
8. District Sub-Registrar, Ranchi, P.O., P.S. & District-Ranchi
9. Circle Officer, Ratu, P.O. & P.S: Ratu, District-Ranchi

... .. Appellants

Versus

Prabudh Nagar Sahakari Grih Nirman Samiti Ltd, a registered Co-operative Society, Ranchi through its Authorized Signatory, Rajendra Pandey, Son of Late Yadunath Pandey, aged about 83 Yrs, resident of Bazra Itki road, P.O Hehal, P.S. Sukhdeonagar, Dist: Ranchi

... .. Respondent

**CORAM: HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Appellants: Mr. Sachin Kumar, AAG-II  
Ms. Surabhi, A.C. to AAG-II  
For the Respondent: Mr. Vibhor Mayank, Dvocate

**06/Dated: 02.04.2025**

1. This Letters Patent Appeal is preferred against the judgment dt. 03.08.2023 in W.P.(C) No. 4034 of 2021 passed by the learned Single Judge.
2. The 1<sup>st</sup> respondent had filed the said writ petition alleging that it owns a certain portion of land, that its title has been declared in the said land in Title Suit No. 170 of 1998 to which the appellants were parties, that the Title Appeal No. 97 of 2008 filed by the appellants



was dismissed after contest on 23.9.2015 and even the Second Appeal filed against the said judgment was dismissed for non-prosecution on 20.12.2019; but notwithstanding the same, the appellant no. 4 i.e. the Deputy Commissioner, Ranchi through a communication dated 06.11.2020 has put the said land under the category of “non transferable” land and restricted the registry of conveyance deed in connection therewith.

3. The appellants contested the said writ petition stating that the order by which registration of the said land has been restrained is based on entries made in a cadastral survey of record of rights in which the said land had been shown to be “gair majarua malik” land. But the appellants did not dispute the fact that there is a decree of the civil court in favour of the 1<sup>st</sup> respondent which has attained finality.
4. It was contended by the appellants that as per the notification dt. 10.10.2019 the 1<sup>st</sup> respondent had been given an opportunity to appear with relevant documents in support of its title before the Deputy Commissioner and the same had not been availed of and, therefore, the land, in question, was declared to be non-registrable.
5. The learned Single Judge by judgment dt. 03.08.2023 allowed the W.P.(C) No. 4034 of 2021 holding that the 1<sup>st</sup> respondent had right, title and interest over the suit land which had already been adjudicated in its favour in the civil suit which judgment had attained finality and, therefore, it was not open to the Deputy Commissioner, Ranchi through an executive order/notification dt. 06.11.2020 to declare the land to be non-registrable. So he quashed the communication dt. 06.11.2020 issued by the Deputy Commissioner, Ranchi.



6. Questioning the same, this Letters Patent Appeal is filed by the appellants.
7. Counsel for the State contends that in the judgment of the civil court being relied upon by the 1<sup>st</sup> respondent, there is a observation that if the appellants come to a concrete conclusion that forgery, alteration or interpolation in the revenue records and preparation of a bogus Register-II had been committed, then the decree granted to the 1<sup>st</sup> respondent would stand converted into a decree obtained by committing fraud upon and against the appellants which would be adjudged to be void under section 31 of the Specific Relief Act, and that the findings in the title suit will not come within the periphery of res-judicata in a subsequent suit for cancellation of the said decree.
8. We are afraid that the observations in the decree of the civil court being relied upon by the appellants cannot help the appellants in any manner unless they file a civil suit seeking cancellation of the decree obtained by the 1<sup>st</sup> respondent on the ground of fraud or forgery or alteration and interpolation in revenue records and preparation of Register-II and succeed in the said suit against the 1<sup>st</sup> respondent.
9. Merely because the appellants assure or claim that there is a forgery or alteration or interpolation in the revenue records or that the Register-II is a bogus one, the decree obtained by the 1<sup>st</sup> respondent in the civil suit will not stand set-aside.
10. Admittedly, the appellants have not chosen to file a subsequent suit challenging the decree obtained by the 1<sup>st</sup> respondent raising the said pleas till date.



11. Therefore, the said observation in the judgment of the trial court in Title Suit No. 170 of 1998 cannot be of any assistance to the appellants.
12. The learned Single Judge had rightly relied upon the judgment rendered by the civil court in the said title suit which had been confirmed up to Second Appeal and granted relief to the 1<sup>st</sup> respondent by quashing the communication dt. 6.11.2020 putting the subject land in the category of non-transferable land and restricting the registry of a conveyance deed in connection with the said land.
13. We thus find no merit in the appeal and it is accordingly dismissed with costs of Rs. 50,000/- to be paid by the appellants to the respondent within four weeks.

**(M.S. Ramachandra Rao, C.J.)**

**(Deepak Roshan, J.)**