IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 6401 of 2014
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1. Birendra Prasad, son of Late Sakhichand Sao
2. Kamlesh Prasad, son of Late Nagendra Prasad
Both residents of Village Chhatarpur, P.O. and P.S. Chhatarpur, District Palamu .... Petitioners

Versus

1. Amit Kumar
2. Sanjay Kumar
Son of Late Banshidhar Sao
3. Kalawati Devi, wife of Late Banshidhar Sao
4. Amrendra Kumar, son of Late Banshidhar Sao
All are residents of Village Chhatarpur, P.O. and P.S. Chhatarpur, District Palamu
5. Sarita Devi, wife of Rabindra Prasad, resident of Village Patila, P.O. Semora, P.S. Majhiaon, District Garhwa
6. Pushpa Devi, wife of Rajiv Ranjan, resident of Main Road, Purain, P.O. and P.S. Nagar Untari, District Garhwa
7. Lalmuni Devi, wife of Rajendra Prasad Sah, resident of Village Kasiyadih, P.O. Bakoria, P.S. Manika, District Latehar

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Sudhir Kumar Sharma, Advocate
For the Res. Nos.1&2 : Mr. Prabhat Kumar Sinha, Advocate

08/31.08.2026 Respondent nos.1 and 2 have been noticed by order dated 27.06.2024 and the notice upon respondent nos.3 to 7 has been dispensed with as the respondent nos.3 to 7 are the defendants in Title Suit No.79 of 2011.

2. Heard Mr. Sudhir Kumar Sharma, learned counsel for the petitioners and Mr. Prabhat Kumar Sinha, learned counsel for the respondent nos.1 and 2.

3. This writ petition has been filed under Article 227 of the Constitution of India for quashing the order dated 11.09.2014 passed in Title Suit No.79 of 2011 by learned Senior Civil Judge No.II, Palamu at Daltonganj whereby the petition filed by the plaintiff/respondent nos.1 and 2 under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure dated 28.03.2014 has been allowed.

4. Mr. Sudhir Kumar Sharma, learned counsel appearing for the petitioners submits that respondent nos.1 and 2 have filed Title Suit No.79 of 2011 claiming their possession over the suit land stating therein that there had

been documentary evidence and plaintiffs had admitted possession of the petitioners in other litigation prior to the filing of the suit and their claims in their litigation was that it was within their permissive possession. He submits that the respondent nos.1 and 2 have filed petition under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure for making amendment in the plaint alleging that they have been dispossessed on 20.02.2014 which has been allowed by the learned court. Mr. Sharma, learned counsel appearing for the petitioners submits that the said amendment was allowed only on the averments made to the effect that on 20.02.2014, the petitioners along with others have forcefully entered into the house and dispossessed respondent nos.1 and 2. He next submits that said order was passed only on the basis of a Sanha and later on, when the petitioners filed the petition under the Right To Information Act with regard to the said Sanha, information has been provided to the petitioners which has been brought on record by filing supplementary affidavit that on enquiry, the Police Officer has stated that wrong Sanha was entered and the petitioners are in possession since last 15 to 20 years on the said property which is subject matter of the said suit. He submits that in view of that wrong finding has been given by the learned court and by way of allowing the amendment, the nature of suit has been changed. He submits that what are the conditions to allow the amendment petition, has been considered by the Hon'ble Supreme Court in the case ***Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and Another*** reported in **2022 SCC OnLine SC 1128** and those conditions made in para 70 of the said judgment, have not been fulfilled in the present case relating to the said amendment and the learned court has wrongly passed the order and in view of that, the same may kindly be set aside.

5. Mr. Prabhat Kumar Sinha, learned counsel appearing for the respondent nos.1 and 2 submits that there is no illegality in the impugned order and the learned court considering the Sanha, has rightly passed the order.

6. Admittedly, the impugned order has been passed by the learned court considering that the Sanha has been registered saying that on 20.02.2014, the petitioners herein along with others forcefully dispossessed respondent nos.1 and 2. The petitioners herein have filed a petition under the Right To

Information Act and sought information regarding the said Sanha which was provided to the petitioners and it has been stated that the Police Officer has enquired the said Sanha and found that the petitioners are in possession of the said land since last 15 to 20 years and the Sanha was found to be not correct and the respondent Nos.1 and 2 have been warned by the Police Officer and that has been brought on record by way of supplementary affidavit by the petitioners herein contained in Annexure 5 series and that is dated 31.07.2015 after passing of the impugned order. It appears that by way of duping the court, the said order has been obtained by the respondent nos.1 and 2 and as such order dated 11.09.2014 passed in Title Suit No.79 of 2011 passed by learned Senior Civil Judge No.II, Palamu at Daltonganj, is hereby, set aside and the said amendment petition is restored to its original file before the learned court and the learned court will pass fresh order on the said petition after providing opportunity of hearing to all the sides.

7. This writ petition is allowed in the above terms and conditions and disposed of. Pending Interlocutory Application, if any, is also disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 31.08.2026

Anit

Uploaded
02.09.2026