

**In the Court of the Deputy Commissioner –cum- District
Magistrate, Bokaro**

L C Appeal No—169/2013-14

Pramod Prasad Bhagat
Vs
Subhashini Devi & others

- ORDER -

29.04.2025 This case has been started in compliance of the order dated –
29.04.2013 passed by the learned Additional Member, Board of
Revenue, Government of Jharkhand, Ranchi in Board Case No-
27/2011 Pramod Prasad Bhagat vs Subhashini Devi and others.
Pramod Prasad Bhagat has filed the above case before learned
Member Board of Revenue aggrieved with the order dt.-04.05.2011
passed in Land Sealing Case No.-06/2006 (Subhashini Devi and
others vs Pramod Prasad Bhagat) by Additional Collector, Bokaro.
The learned Court of Additional Member, Board of Revenue has
given a direction to the Deputy Commissioner, Bokaro to pass a
reasoned order after examine the family chart (Vanshawali) of
appellant which is base of order passed by the DCLR, Bermo
(Tenughat) and to examine the Register – II and mutation to get the
clearance regarding the shareholding of appellant in the land in



question and also to examine, whether the land in question is residential with solid proof.

Schedule of the Land

Mauza – Hosir, P.S.- Gomia, Khata No-375, Plot No.- 1874, Area – 03 Dec out of 09 Dec.

Both the parties has been given notices and a report has been called for from SDM, Bermo (Tenughat) and also LCR called from the lower court.

1. That, SDM, Bermo (Tenughat) has submitted a report vide its letter no. – 23/Ra, dated – 10.01.2019 mentioning therein that scheduled land of 09 dec is recorded in the name of Jay Nandan Bhagat in CS Khatiyan. Jaynandan Bhagat has three sons namely 1.Late Ram Niwas Bhagat, 2. Nand Kishore Bhagat & 3. Yugal Kishore Bhagat. Late Ram Niwas Bhagat has two sons namely (i) Pramod Prasad Bhagat, (ii) Santosh Kumar Bhagat.
2. That, the second son of Jay Nandan Bhagat has sold 03 dec of land to Subhashini Devi allegedly without any information to the other two brothers and their family. Thereafter Pramod Prasad Bhagat has filed pre-emption before the court of LRDC, Bermo (Tenghat). The learned LRDC, Bermo (Tenghat) had allowed the pre-emption of Pramod Prasad Bhagat mentioning in the order that there is no evidence of Batwaranama and hence the Pramod Pd. Bhagat is Co-sharer/Adjoining Raiyat of the scheduled land.

3. That, it is also mentioned in the Report of SDM, Bermo (Tenughat) that all the three sons of Jay Nandan Bhagat are residing there in their respective buildings (Pukka Makan) on the land separately. It is also mentioned in the report that there is no building on the scheduled land of 03 dec but there are several Pukka buildings has been construed beside the scheduled land. It is also submitted in the report that land is a residential land.
4. That, during the course of the proceeding the Nand Kishore Bhagat Opposite party no.- 02 has died and his son Arun Kumar Jaiswal is present before the court.
5. That, appellant Pramod Prasad Bhagat has submitted a written argument on his behalf mentioning therein that the recorded tenant Jayanandan Bhagat made construction of houses and dug a well over plot No.-1874 in a portion thereof and the vacant lands were remained joint for growing crop and the houses there Nand Kishore Bhagat who was son of Jayanandan Bhagat was residing.
6. That, the house in which Nand Kishor Bhagat was residing was damaged due to lack of maintenance and was in dilapidated condition. The said Nand Kishore Bhagat without any consent of other co-sharers including the Petitioner/Preemptor had executed Registered Sale Deed No.-2723, dt.- 05.12.2008 admeasuring an area of 3 decimals to one Subhashini Devi W/o Shyam Prasad

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bounded and butted in the North – Bari Phalguni Bhagat, South – PCC Road, East- Uma Shankar Patwa and west – Jugal Kishor Bhagat.

7. That, it has also been submitted by petitioner that the Plot No 1874 was never subjected to partition and the three shareholders namely Nand Kishor Bhagat was residing in the eastern flank while Jugal Kishor was residing in the middle and the petitioner/preemptor Pramod Pd Bhagat and his brother Santosh Kr Jaiswal were residing in the western flank. It further submitted that the house of three share holders were constructed according to their necessity and familial needs while the Bari and the well remained joint.

8. That, the said execution of Sale Deed No.-2723, dt.-05.12.2008 admeasuring and area of 3 decimals to one Shubhashini Devi W/o Shyam Narayan Prasad bounded and butted in the North – Bari Phalguni Bhagat, South – PCC Road East – Uma Shankar Patwa West – Jugal Kishor Bhagat was challenged on the premise that the Chauhaddi of the deed as described in sale Deed is kept in a vague state, which could be understood from perusal of the report submitted by S.D.M, Bermo at Tenughat.

9. On perusal of the record and documents as available in the record it transpires that matter is based on the right of one of the brother of family Nand Kishor Bhagat over the land in question regarding selling the said land allegedly without consent of other brothers and their family. Title of the Nand Kishor Bhagat is never been

challenged by the other brothers and their family they are only claiming pre-emption over the land. According to the report submitted by SDM, Bermo (Tenughat) the land is residential in nature. It has also been submitted by the SDM, Bermo (Tenughat) that there is no trace of any partition in this case and same is also submitted by the petitioner in their submission that the Plot No 1874 was never be the subject of partition.

10. On the basis of above facts and circumstances, order of Additional Collector, Bokaro needs no interference. Aggrieved parties have liberty to approach before the competent Court of Civil Jurisdiction.

This case is hereby disposed.

It is due to busy schedule of office/law and order work this order is being passed on dt.-29.04.2025.

(Dictated and Corrected)


Deputy Commissioner
-cum-
District Magistrate, Bokaro.


Deputy Commissioner
-cum-
District Magistrate, Bokaro.

Date-29th April 2025

Seal

Place - Bokaro