

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

Mutation Revision No—109/2023-24

Gyan Prakash Singh

Vs

1. State of Jharkhand
2. Janardan Singh

- O R D E R -

29.04.2025 This revision petition has been filed by the Gyan Prakash Singh, S/o Ramjee Prasad Singh, R/O Qr. No.-1430, Sector - 12/A, B.S.City, P.O. & P.S. – Sector – 12, Dist.- Bokaro under section 16 of Bihar Tenants Holding (Maintenance of Record) Act, 1973 against the order dated 15.09.2022 passed in Mutation Appeal Case No.-10/2021-22 (Janardan Singh, S/o Late Manbodh Singh, At-Nuniyadih, P.O. + P.S. – Chandankiyari, Dist.-Bokaro Vs Gyan Prakash Singh) by Land Reform Deputy Collector, Chas.

Schedule of Land

Mouza – Satanpur, Thana No.- 39, P.S.-Pindrajora, Khata No.-2, Plot No.-298 having an area of 2.50 Acres out of 4.67 Acres.

[Handwritten signature]

1. That, it is submitted by the petitioner that he purchased the scheduled land by Reg. sale deed No. -3508, dt.-14.06.2013 from Madhusudan Singh S/o Late Brindawan Singh and Fekan Singh, S/o Devkinath Singh Village Sijua, P.S.-Pindrajora, Dist.-Bokaro.
2. That, after purchase the petitioner applied for mutation in the office of C.O. Chas after due enquiry the rent receipt was granted in his name. Thereafter the petitioner is paying rent regularly.
3. That, on application filed by the petitioner the learned C.O. Chas registered a Mutation Case No.- 3582 (VIII) of 2013-14 the learned C.O. issued notice and call for a report from Halka Karmchari when no objection was raised by any of the person and as such the learned C.O. Chas by order dt.-21.12.2013 issued the correction slip/mutation in favor of the petitioner with regard to the land of Khata No.-2, Plot No.-298 Area - 2.50 Acres and the rent of the land has been determined to be Rs. 10/-.
4. That, after the laps of 9 years the O.P. No.-2 challenged the aforesaid mutation order dated 21.12.2013 which was registered as Mutation Appeal notice was issued in the month

of Nov 2021. It has also been filed along with the Appeal but there is no provision for condoning delay U/S 5 of the Jharkhand Tenant Holdings (Maintenance of Record) Act 1973 and as such there was no occasion before the learned DCLR, Chas to start the Appeal after expiry of limitation prescribed U/s 15 of the Act i.e. 30 days from the date of order of mutation passed by the learned C.O. Chas.

5. That, being aggrieved by and dis-satisfied with aforesaid order dated 15.09.2022 passed by the learned DCLR, Chas in Mutation Appeal No.- 10/2021-22 the petitioner filed a Writ Petition No.-5201 of 2022 before the Hon'ble Jharkhand High Court, Ranchi which was dismissed as withdrawn and the petitioner was directed to file revision within four week from the date of receipt of the copy of the order dated – 15.12.2023.

It was also directed to decide the same within three months..

6. That, respondent has filed a rejoinder cum written statement on his behalf mentioning therein that the scheduled land was recorded as Abad Malik under the landlord ship of Ranjit Singh and Digar under Khewat No.-2 in the last Cadastral Survey record of right.



7. That, it is also submitted that at the time of survey settlement

the father of the Ranjit Singh, Beni Madhav Singh, Banwari Singh and Nilmani Singh was not alive and hence their name appeared in the record of right as khewat holders under Khewat no .- 2.

8. That, Ranjit Singh died leaving behind his two sons Param Nath

Singh and Shambhu Singh and Prama Nath Singh too died leaving behind his only son Appellant Janardan Singh who inherited the same as per share mentioned in the C.S.

9. That, Geneology Table of the khewat holder / raiyats has been

submitted by the respondent in his written satement and also mentioned that after vesting Zamindari as per provision of section 4, 5, 6, 7 of Bihar Land Reform Act 1950, Thoka was opened in the name of Ranjit Singh and since then paying up to date rent to the state regularly.

10. That, it has been submitted that the revisionist purchased a

fake deed from fake persons and mutated his name through Mutation through Mutation vide Mutation Case No.- 3582 (viii)

/ 2013-14 over an area of 2.50 acres of mouza Satanpur Khata no.- 2, plot no.-298 without furnishing the Geneology recorded

landlord and after vesting the Zamindari Raiyat and Circle Officer, Chas mutated the name of Revisionists.

11. That, the opposite party got the knowledge of the said mutation case from the Office of Circle Officer, Chas and thereafter obtained certified copy of the sale deed of the revisionist and after perusal of the said deed it appears that Madusudan Singh and Fekan Singh sold the land who were not the heirs and successors interest of recorded raiyats / landlord and hence filed Mutation Appeal No 10/2021-22 along with condoling the delay and length hearing the said Mutation appeal was allowed on dated 15.09.2022 by setting aside the order passed by the Circle Officer, Chas on dated – 21.12.2013 vide Mutation case no. 3582 (VIII)/2013-14 the Land Reform Deputy Collector, Chas District Bokaro and the order passed by the Land Reform Deputy Collector, Chas is legal and according to law and require no interference of the learned court.

12. That, it is also submitted by the respondent in this case that revisionist did not disclose that how the vendor of the revisionist sold the said land.

13. That, It has been submitted by the respondent that the averment made in para vi, vii, viii of the ground of the revision

of the revisionist are totally false and baseless and it is submitted that the Revisionist has not purchased the land from the rightful owner/heir and successor interest of the recorded land lord/raiyat. The Revisionist has purchased from fake persons who have no concerned with the recorded raiyat of scheduled land. It is also submitted that the Circle Officer, Chas without getting the proper enquiry passed the order in harsh without holding proper enquiry and without perusing the record of right.

14. That, finely it has been submitted by the respondent in this case that the said mutation order by applying fraud, suppressing Geneology of the recorded Raiyat and hence the learned court of DCLR, Chas passed justified order as per opined by the apex Court of India which is as followed *"Judgment and order obtained by fraud can not be judgment or order in law has to be treated as nullity by every court, superior or inferior in case of nullity, even the principles of natural justice are not required to be complied with commission of fraud either on court or on a party is no longer res intergra."*

15. That, after perusal of record and documents as available in record it transpires that the matter is regarding the dispute of

title which can only be decided by Civil Court. But as per the report of the Circle Officer, Chas vide letter No.- 2021, dt.- 24.08.2022, both purchaser and seller are not the successors of the recorded Raiyat and land has been sold and mutated by hiding the facts and has also recommended to establish Jamabandi in favor of recorded raiyats regarding the land in question.

16. That, On the basis of above facts and circumstances this court feels that order of DCLR, Chas passed on dated-15.09.2022 in Mutation Appeal Case No.-10/2021-22 need no interference. Both the 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)

29/04
Deputy Commissioner
-cum-
District Magistrate, Bokaro.

29/04
Deputy Commissioner
-cum-
District Magistrate, Bokaro.

Date-29th April 2025

Place - Bokaro

Seal