

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

Mutation Revision No—47/2023-24

Chandramohan & others

Vs

State of Jharkhand

With

Mutation Revision No-51/2023-24

Birendra Kumar Singh & others

Vs

State of Jharkhand

- O R D E R -

29.04.2025 This revision petition has been filed by the 1. Chandra Mohan, S/o Kishor Mohan, 2. Kishor Mohan, S/o Late Kailash Prasad, Resident of – Plot No 220, Co-Operative Colony Bokaro Stee City, P.O. & P.S. – B.S.City, Dist.- Bokaro against 1. State of Jharkhand, 2. Land Reform Deputy Collector, Chas, Bokaro, 3. Circle Officer, Chas, Bokaro, 4. Surju Singh, S/o Bhallu Singh, R/o –Bhandaraghoda, Jainamore, Balidih, PS – Jaridih, Dist.-Bokaro, Jharkhand. This revision petition is filed under section 16 of Bihar Tenants Holding (Maintenance of Record) Act, 1973 against the order dated 18.05.2023 in Misc. Case No.-02/2021-22 passed by respondent no.- 2 by which the Jamabandi standing in the name of petitioner No.- 1 Chandra Mohan of 0.46 acres of land and in the name of petitioner no 2 Kishore



Mohan of 0.50 acres and also in the name of another person namely Birendra Kumar of 0.32 acres and Bindeshwar Singh of 0.40 acres of land with respect to Khata No 202, Plot no -771, Mauza – Karharia, Thana No.- 28 have been cancelled.

1. That, it is submitted by the applicant in the application that the resonndent no 4 Suraj Singh who is the son of Phulmani Devi Granddaughter of Khatiyani Raiyat namely Daulat Singh filed an application before Circle Officer, Chas with prayer to cancel the long running Jamabandi in the name of Petitioner No.-1 Chandramohan of 0.46 acres of land and in the name of petitioner no. 2 Kishore Mohan of 0.50 acres and also in the name of another person namely Birendra Kumar of 0.32 acres and Bindeshwar Singh of 0.40 acres of land with respect to Khata No 202, Plot no -771, Mauza – Karharia, Thana No.- 28 and also for passing an order for online entry of the name of Phulmani Ghatwarin descendants of Khatiyani Raiyat namely Daulat Singh and Reshmi Gatwarin descendants of Khatiyani Raiyat namely Natu Singh in regard to 1.12 acres of land in the said Khata and plot on the basis of standing Jamabandi of their name on the basis of the said application, the Cirecle officer of Chas initiated a proceeding vide Misc Case No-02/2021-22 and further forwarded the said Misc Case to the Land Reforms Deputy Collector, Chas and the Land Reforms Deputy Collector, Chas after conducting the proceeding of said Misc Case No 02/2021-22 passed an order dated

18.05.2023, whereby and where under cancelled the Jamabandi Standing in the name of Petitioner No.-1 Chandramohan of 0.46 acres of land and in the name of petitioner no. 2 Kishore Mohan of 0.50 acres and also in the name of another person namely Birendra Kumar of 0.32 acres and Bindeshwar Singh of 0.40 acres of land with respect to Khata No 202, Plot no -771, Mauza – Karharia, Thana No.- 28 and also passed an order for online entry of 1.12 acres of land in revenue record out of 1.68 acres. The petitioner being aggrieved by the said order dated 18.05.2023 of Land Reforms Deputy Collector, Chas referred this case before this Court.

2. That, it is submitted by the applicant regarding the brief fact of respondent case is that as per Survey Khatiyan, a landed property appertaining to old Khata No 38 and New Khata No.-202 recorded in Old Plot No- 301 and New Plot No.-771, admeasuring an area of 1.72 acres in Old Khata and Plot of 1.68 acres in New Khata within Karharia Mauza, Thana No.-28, District Bokaro has been recorded in the name of Khatiyani Raiyats namely (i) Natu Singh, (ii) Guniram Singh, (iii) Daulat Singh. One of the descendants of Daulat Singh namely Phulmani Devi filed a Partition Suit in regard to aforesaid property in the Munsif Court of Hazaribag vide Title Partition Suit NO 84 of 1957 against Bipin Singh and others and the final decree was also passed in the said partition suit. The descendants of Khatiyani Raiyat Guniram Singh namely (i) Kailash Singh, (ii) Butu

Singh, (iii) Arjun Singh (iv) Leda Singh, (v) Mutar Singh and (vi) Fagu Singh together fraudulently without compliance of the said decree of partition suit made forged deed of 1.68 acres more than their share in favour of a person and person in whose favor said forged deed was made, he on the basis of said forged deed, transferred the said land to Petitioner No.-1 Chandramohan of 0.46 acres of land and to petitioner no. 2 Kishore Mohan of 0.50 acres and to another two person namely Birendra Kumar of 0.32 acres and Bindeshwar Singh of 0.40 acres and these persons by the wrong way mutated the said land to their names by filing online mutation. It is further alleged that the share of descendants of Guniram Singh was only 0.56 acres of land according to their 1 - 3rd share. It is alleged that out of the shares of the three Khatiyani Raiyat namely (i) Natu Singh, (ii) Guniram Singh, (iii) Daulat Singh only the descendants of one Khatiyani Raiyat Guniram Singh sold entire shares. Thus the vendor of Chandra Mohan, Kishore Mohan, Birendra Kumar Singh and Bindeshwar Singh had only right of over 0.56 acres of the land out of 1.68 acres, so that the respondent no 4. Suraj Singh who is the son of Phulmani Devi granddaughter of Khatiyani Raiyat namely Daulat Singh filed an application before Circle Officer, Chas that their Jamabandi may be cancelled and an order may be passed for online entry of the name of Phulmani Ghatwarin descendants of Khatiyani Raiyat Namely Daulat Singh and Rshmi Ghatiwarin descendants of

Katiyani Raiyat namely Natu Singh in the revenue record in regard to 1.12 acres of land out of 1.68 acres on the basis of standing Jamabandi of their name.

3. That, several Judgments of Hon'ble High Court has been cited by the petitioner as W.P (C) No.-6609 of 2013, W.P (C) No.-2619 of 2014 & L.P.A. No.-316 of 2011 Mahabir Mahto & others vs State of Jharkhand and others regarding Bihar Tenants Holding Maintenance of Records Act, 1973.
4. That, written notes of argument has been filed on behalf of Sarju Singh (Respondent in this Case) and another in which the respondents are justifying the order passed by the learned DCLR, Chas and alleged that petitioners have got the Jamabandi by using fraudulent.
5. That, during the court proceeding the learned advocate of petitioner has argued in behalf of the petitioner. The major argument was when deed is questioned, then deed should have been challenged and then mutation can be cancelled.
6. On perusal of the record and documents as available in the record the conclusion of this case is that possession of petitioner over the land is since 2005. Vendor's possession is on land 1962. Hence it cannot be challenged.
7. On the basis of above facts and circumstances, order of DCLR, Chas passed on dated-18.05.2023 in Misc Case No.-02/2021-22 is hereby

set aside as the long running Jamabandi cannot be cancelled. Both the parties can 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