

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

Misc. Appeal No—42/2023-24

1.Janardan Singh Thakur
2. Manik Lal Singh Thakur
Vs
Padmabati Devi

- O R D E R -

29.04.2025 This instant appeal has been filed by the applicant 1.

Janardan Singh Thakur S/o Late Pandav Singh Thakur,
2. Manik Lal Singh Thakur S/O Baldev Singh Thakur,
resident of Mohuda, PS - Pindrajora, District-Bokaro against
the order dt.-09.06.2023 passed by learned SDM, Chas in
Misc Case No-216/2022 (Janardan Singh Thakur & other
v/s Padmabati Devi w/o Gopal Jee Pathak, At- Jodhadih
More near Chandankiyari Road, P.S.-Chas, Bokaro).

Schedule of the Land

Mauza - Chas No.-30, Khata No.-712, Plot No.-7766, Area
- 8 $\frac{3}{5}$ Dec butted and bounded North-Road, South - Haru
Bauri, East -Rishikesh Mahto, West -Hari Lal Barnawal.

1. It has been submitted by the appellant that father of
appellant has purchased the land through Registered Sale

[Signature]

Deed No 17331, dt.-31.10.1969 situated at Mauza Chas No.-30, Khata No.-712 Plot No.-7766, area - 8 $\frac{3}{5}$ decimal butted and bounded as North - Road, South - Haru Bauri, East - Rishikesh Mahato, West - Hari Lal Barnwal.

2. That, the appellant has been mutated the same before government sheresta through Mutation Case No.- 1673/2014-15 and paid rent to the State Government and granted rent receipt.
3. That, the father of the appellant has been constructed house over his purchased land.
4. That, the father of the appellant has been given the said house to the opposite party/Respondent on Rs 200/- per months in the year of 1970 and the father of the appellant died on 14.03.2014 since than the opposite party stopped to pay the monthly rent.
5. That, the appellants repeatedly requested to the opposite party for enhancement of the monthly rent after death of their father and for making a written Rent agreement by the opposite party always denied to do so.
6. That, the appellants have served a legal notice through their advocate Sri Pankaj Kumar Pandey vide Ref. No.-72/2022

dated – 03.09.2022 to the opposite party for paying the due rent and vacate the premises and to pay the due rent. Thereafter the appellants have filed the Misc. Application No.-216/2022 before the court of SDM Chas for recovery of Rent and Eviction of the house U/S 19(i)(a)(b)(c)(d)(e) of Jharkhand Building and Land (Rent Control and Eviction) Act 2011 but the learned SDM Chas dropped the proceeding of said application on 09.06.2023. Hence the appellant preferred this appeal.

7. That, it has also been submitted by appellant that when this matter was taken to the Thana and Circle Officer, Chas for measurement of the said land, the opposite party has allegedly produced a forged sale deed No.-5072, dt.- 24.09.1994 in which Padmalochan Tiwary is shown to be seller and Pdmabati Devi as Purchaser of land pertaining Khata No.-733, Plot No.-7766, Area – 9 ½ decimal. In detail of the above deed the said land is shown to be purchased through registered deed no 6826, dt.-24.07.1976. It has also been alleged that when he took the true copy of the deed no 6826 dt.-24.07.1976 the seller is shown to be Manik Chandra Mahto, S/o Arjun Mahto land of Mauza – Chas,

Mauza No.-30, Khata No.-748, Plot No.-7768 area about 5 decimal has been mentioned. It has also been alleged that how Padmalochan Tiwary has sold the land to Padmabati Devi. The petitioner is alleging the paper of respondent as forged.

8. That, the opposite party has submitted a reply stating therein that the learn court below after considering factual aspect of the case vide order dated 09.06.2023 has dropped the case and it is also submitted that possession can be decided only by competent Civil Court as per law of the land.
9. That, it has also submitted by the respondent that there is no agreement of tenancy in between appellant and respondent rather this matter is based upon the documents related to title and as on there is no relationship of landlord and tenant between parties in this matter.
10. That, it is also submitted by respondent that Padmabati Devi was tenant under Padmalochan Tiwari who has constructed three rooms of asbestos in the year 1972 and given on rent on the same year to Krishna Kumar Ojha, S/O Late Bachan Ojha and used to realize rent, further Devilal Rai owner of the land orally gifted the land to Jyoti Tiwari,

father of Padmlochan Tiwari at the time to meet the "SHRADHH" ceremony on 11th day of father of Devilal Rai and after death, his son Padamlochan Tiwari sold the land to Padmawati Devi, W/o Gopal Jee Pathak with specific Boundary Northe-Rasta, south-Niz of Vendor, West - Harilal Barnwal, East - At present Rishikesh Mahato, which is identification of the land and Khata no - 733 ought to be Khata no.-712 happen due to accident slip of pen.

11. That, after purchase of land mutated an area of 9½ decimal and correction slip issued there on vide state rent receipt no JH/22 A060679 dated 08.03.2015 and online rent receipt issued vide receipt no 5035671339 dated 22.06.2020 and correction slip issued creating thoka in favour of said Padmawati Devi and conceding holding no 3033033000006013 issued by Chas Nagar Nigam, Circle - Chas, Ward No.-33 conceding owner Padmawati Devi issued payment period up to 31.03.2016 and through receipt no 6697, ward no 33 paid Rs.-4850/- tax of Chas Nagar Nigam by Padmawati Devi, W/o Late Gopal Jee Pathak on 30.04.2016 further water uses charges vide receipt no 363966-7122021132614 dated - 07.12.2021 of the amount

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Rs 4500/- issued by Chas Municipal Corporation in favour of Padmawati Devi and Security deposit receipt issued by Bihar State Electrical Board vide Sl No.-CC 543295 dated 09.08.2001 issued in favour of Padmawati Devi and land verification certificate no.-924 dated-10.11.2017 issued by C.O. Chas Bokaro appertaining to Mouza no.-30, Khata No .- 733 ought to be 712, Plot No.-7766 area 9½ decimal vide registered sale deed no 5072, dated – 24.09.1994 Jamabandi no 19/69, Mutation Case No . -3791 III/2014-15 issued in favour of Padmawati Devi, W/o Late Gopal Jee Pathak which go to show respondent Padmawati Devi is in continuous possession since more than 24.09.1994 and gradually constructed pucca room residing with family and perfected indefeasible right, title, interest and possession by diverse act of possession since more than 28 year as indicated above openly publically to the knowledge of appellant/1st Party and people of locality concerned and absolutely there is no relationship of landlord and tenant and the appeal filed by appellant is Suo-moto liable to be dismissed. Further sated as per mandate of Chotanagpur Tennacy Act 1908 a person found in possession more than

12 year has got raiyati status and cannot be evicted as indicated above.

12. That, it is also submitted by the respondent that purported registered sale deed no 17331 dated- 31.10.1969 and registered sale deed no - 1949, dated 13.03.1969 created fictitious and forged transaction by the appellant liable to be discarded and the claim of the appellant on the basis of above referred document and referred state rent receipt casts serious doubt which are forged and fabricated documents and the same cannot be decided the factum of title and possession which is beyond jurisdiction of this court.

13. That, on perusal of the documents available in record it transpires that there are several documents which are needed to be examine and accordingly witnesses of several people involved in this case to be examine before coming to any conclusion which is beyond the jurisdiction of this court. The opponent has bought the said land in 1994 and hence long running Jamabandi cannot be cancelled by this court.



14. In light of above facts and circumstances this case is hereby disposed off with direction to applicant to approach the competent court of Civil Jurisdiction.

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