

IN THE COURT OF DEPUTY COMMISSIONER-CUM-DISTRICT MAGISTRATE, GIRIDIH

Mutation Revision Case No. 06/2009-10

Ramchandra Lal vs Lalit Kumar Barnwal

ORDER

10.09.24 This case has been filed as Mutation Revision Case No.06/2009-10, against the order of Land Reforms Deputy Collector (LRDC), Giridih in Mutation Appeal Case No.43/2008-09 (44/2005-06): Lalit Kumar Barnwal vs Ramchandra Lal and Circle Officer (CO) Giridih, dated 13.02.2009. The land in question pertains to Mauza-Sihodih, Thana No.45, Khata No.15, Khesra No.472, Khatiyani Rakba (Area) being 5.02 acres.

The Ld. Advocate of the Applicant in this case Ramchandra Lal has given his arguments and has given various details in his revision application by virtue of which the applicant claims that he is the rightful owner of the said plot of land. He has also submitted his written argument mentioning among other points, that in Miscellaneous Case No.14/2020-21 in the Court of Ld. Circle Officer Giridih, correction in area of Jamabandi in the name of the applicant Ramchandra Lal in Register II was ordered to be done on 13.08.2020, the correction in area was made from 2.51 decimals to 2.51 acres and thereafter rent receipt for 2.51 acres has been issued in the name of Ramchandra Lal.

The Ld. Advocate of the Opposite Party in this case Lalit Kumar Barnwal has given his arguments and has given various details in his rejoinder by virtue of which the OP claims that he is the rightful owner of the said plot of land.

phf.

This Court observes that in Mutation Appeal Case No.43/2008-09 (44/2005-06) in the Court of Land Reforms Deputy Collector Giridih it was ordered dated 13.02.2009 that order passed in Mutation Case No.477/2005-06, dated 07.10.2005 in the Court of Circle Officer Giridih is set aside and mutation done by CO Giridih in favour of Ramchandra Lal was ordered to be cancelled. But on the other hand in Miscellaneous Case No.14/2020-21 in the Court of Ld. Circle Officer Giridih, correction of area of Jamabandi in the name of the applicant Ramchandra Lal in Register II was ordered to be done on 13.08.2020 when the case was sub-judice in this Court.

This Court also observes that in a case CWP No.16338 of 2011: 'Shamsher Singh vs Commissioner' in Punjab-Haryana High Court, the Hon'ble Court in it's order dated 02.09.2011 mentions that *"if mutation is contested and disputed by the parties claiming their respective titles, revenue officer should direct the parties to approach the Civil Court to establish their respective titles and meanwhile revenue officer should not proceed with the mutation and should wait for the outcome of the decision in the civil suit. Revenue Officer is duty bound to carry out mutation and entries in the revenue record as per the ultimate decision in the civil suit between the parties"*.

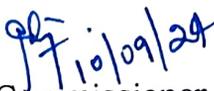
Heard the Ld. GP on various points of submission made by both the parties and on other points available in the case record. On account of the aforementioned and matters mentioned in the LCR of LRDC Giridih and CO Giridih, points and arguments submitted/ given by Ld. Advocates of both parties, opinion of Ld. G.P. and upon perusal/ examination of the various documents available on record, the court comes to the conclusion that the contesting parties should approach the Civil Court to establish their title over the said plot of land, thus this Court orders that this Mutation

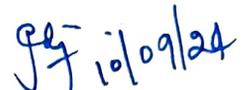
Jy.

Revision Case proceedings are dropped and this mutation revision petition stands disposed of.

Let a copy of this order be provided to both parties and all concerned. Due to busy schedule in law and order and other administrative work this order is passed today.

Dictated and Corrected by me .


Deputy Commissioner
-cum-
District Magistrate,
Giridih


Deputy Commissioner
-cum-
District Magistrate,
Giridih

Memo No. 683..., Date 10/09/24

Copy to: Circle Officer, Giridih and Land Reforms Deputy Collector, Giridih for information and necessary action.


Deputy Commissioner
-cum-
District Magistrate,
Giridih


Deputy Commissioner
-cum-
District Magistrate,
Giridih