

In the Court of Additional Collector, Ranchi

SAR Appeal 162 R-15/98-99

ACTR no 19 R-15/04-05

Saraswati Devi

Appellant

Versus

Babu Toppo

Respondent

ORDER

21.01.2008

This appeal has been filed against the order dated 8.6.98 passed by Sri Rakesh Kumar, Special Officer, Ranchi in SAR Case no 92/94-95. The lower court decided to restore the flowing land in favour of the respondents father.

Village	Khata	Plot	Area
Hesal	18	710	4Katha

In the memo of appeal, it is stated that the respondents father is not related with recorded tenant but he was filed restoration case in lower court against different persons for different area of the disputed land. In the application, it was described that the husband of the appellant is in illegal possession of a portion of disputed land. The appellant was never made party in lower court and she was not served any notice. The land in question is recorded in possession of one non tribal Md. Masiuddin. The entry of RS record was not challenged by anyone. The present appellant had purchased the land from Nandkishore Choudhary. It is claimed that the case of respondent is barred by law of limitation.

The learned counsel of the appellant repeated the contentions made in appeal petition in course of argument. It is added that in appeal no 41R-15/98-99 D C Ranchi remanded the matter to the lower court and compensation was ordered in favour of some persons.

The learned counsel has also filed written argument stating the contents of memo of appeal and oral submission.

Considering all the facts and arguments, there is no doubt that the land is recorded in the name of schedule tribe. One Nand Kishore Choudhary transferred the land to Saraswati Devi through registered sale deed in 1985. The appellant has also produced a rent receipt showing that jamabandi runs in her name.

But all the above said documents are of no help because land has been fraudulently and illegally transferred. The learned counsel for the appellant cited the example of compensation in the same plot to get a similar order. But no documents has been produced to prove that structure was made prior to 1969.

In the result the appeal is disallowed and the order of the lower court is upheld. Communicate the order to all concerned.

Dated :- 21.01.2008

Dictated & Corrected by

Sd/-
Additional Collector
Ranchi