

# In the Court of Additional Collector, Ranchi

S.A.R. Appeal 71 R-15/06-07

J. N. Singh

Appellant

Vrs.

Ashok Munda & Others

Respondent

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## ORDER

16  
20-07-2007

This case has been filed against the order dated 20.08.1997 in SAR case no. 107/95-96. The dispute related to the following land: -

<u>Anchal</u>	<u>Village</u>	<u>Khata</u>	<u>Plot</u>	<u>Area</u>
Ranchi	Pahargonda	49	642	16 Decimal

The lower court heard the case and passed the order of restoration in favour of Jagdeo Munda and of eviction against J. N. Singh (appellant). The main contention of the appellant specifies that he is not at all concerned with Plot No. 642. His interest is confined to Plot Nos. 644 and 645 of the same village. It is added that his name has been wrongly impleaded and that he is in danger of being evicted from his own land through the order is related to plot no 642.

The respondent was served with a notice but he did not appear on two dates. The learned A.G.P. was asked to argue on behalf of the respondents so that their side did not remain unrepresented.

Learned counsel for the appellant pleaded in the court that

the officials, armed with Delivery of Possession order, are trying to disturb the peaceful possession of the appellant by trying to evict him from his own land (644 and 645) whereas the order related to plot no 642. He argued that the revenue officer did not identify the real plot of eviction and pounced upon the possession of the appellant.

The learned A.G.P replied that the name of the appellant was wrongly impleaded. He further said that the possession of J. N. Singh was on 644 and 645 which was not a matter of dispute in lower court. He expressed the view that the occupant of plot no 642 was not implicated in the lower court and concluded that the order of eviction was passed on a wrong person.

Considering all the facts and documents of the present case, it appears that the lower court has erred in passing the order of restoration of the land by eviction the appellant. The latter has already denied his association with disputed plot no. 642. In the result the order of delivery of possession passed in SAR case no 107 of 95-96 is hereby set aside and the appeal is allowed.

Dictated and corrected by,

Dated: - 20-07-2007

Sd/-

Additional Collector,  
Ranchi