

In The Court Of Additional Collector, Ranchi

SAR Appeal 07R-15/07-08

Nilika Lal Appellant

Versus

Dhukhan Oraon Respondent

ORDER

11
10.12.2007

This appeal is directed against the order dated 31.05.2007 passed by Sri Deonish kido Special SAR Officer Ranchi in SAR Case no 495/06-07. The lower court decided to restore the following land in favour of the respondent.

Village	Khata	Plot	Area
Tikratoli	69	364	1.28 Acres

The case of appellant states that the land in dispute is recorded in the Name of Sukhu Oraon who surrendered the land to ex-landlord on 6.6.1941. Thereafter the landlord settled the same in favour of the Grandfather in Law of the appellant on 15.06.1943. The appellants ancestor constructed a residential house and appointed A D J Shilwa to look after his business. The house of appellant is standing over the land since last 60 years. It is claimed that the case of respondent is barred by limitation.

Heard learned counsel on behalf of both the parties. The learned counsel for the appellant stated the same points as stated in memo of appeal. The same contents again repeated in written argument.

The learned counsel for the respondent has filed written argument in which it is stated that the land in question was illegally transferred in the year 1941. There is substantial structure over the land. It is prayed that a suitable amount of compensation should be fixed in the end of justice.

It is obvious from the facts of the case that R.S.Plot No. 364 under khata No. 69 was surrendered by father of the respondents for the ex landlord in 1941 and subsequently, the ex landlord settled the land to the great grand father-in-law of the appellant on 15.6.1943. The great grand father in law constructed a residential house and appointed A.J.D. Silwa to keep watch over the properties. The successors-in-interest are in possession of the land since then.

The respondent has admitted in para 5(9) of his petition that the appellant is in possession of the disputed land since 1943. Substantial structure has been created by her predecessor-in-interest more than 60 years ago. It is settled principle of law that application for restoration cannot be entertained after lapse of 30 years.

The learned lower court appears to have ignored all the above facts and law. In the result, the appeal is allowed and order of the lower court is set aside.

Date—10.12.2007

Dictated & Corrected
Sd/-

Additional Collector,
Ranchi