



was constructed on the disputed land and the respondent don't want to take the land back. In lower court, PW 1 & 2 admitted acceptance of money.

The respondent did not appear in this case in spite of service of notice, hence the case was heard ex-parte. The learned counsel for the appellant submitted the same points as stated in memo of appeal.

Coming to the facts of the case, it is an admitted fact that land belongs to a tribal. The ancestors of the respondents surrendered the land to the ex-landlord on 12.3.1952. The latter settled the land in favour of predecessors of the appellants on 17.7.1952. The respondent Bhadwa Oraon has admitted in his petition dated 5.2.2007 that the appellants have constructed house over the disputed land. The respondent has deposed as PW 1 in the lower court that he has taken money from the appellant and wants to take more.

Taking 1952 as the year of land alienation, it is almost 56 years since the transfer took place. The period of limitation for filing such cases is 30 years. The Hon'ble Jharkhand High Court in a series of decisions has clearly held that an application for restoration cannot be filed in terms of section 71 A of the CNT Act upon the expiry of the said period of limitation.

For the reasons aforesaid, the appeal application is allowed and the order of the lower court dated 31.7.2007 is set aside. Copy of the order may be communicated to the SAR court and the Circle Officer concerned for information and necessary action.

Dated:- 2.05.2008

Dictated & Corrected by

Sd./-

Additional Collector,

Ranchi.