

In the Court of Additional Collector, Ranchi
SAR Appeal 26 R-15/07-08

Subodh Gope
Versus
Khudia Oraon

Appellant

Respondent

ORDER

¹¹
12.02.2008 This appeal has been filed against the order dated 27.07.2007 passed by Sri Deonish Kiro, Special Officer, Ranchi in SAR Case no 204/06-07 by which it is decided to restore the following land in favour of the respondent.

<u>Village</u>	<u>Khata</u>	<u>Plot</u>	<u>Area</u>
Jorar	53	383	0.05 Acre

The case of appellant states that father of the appellant had bought the disputed land through sada sale deed in the year 1950 from original owner and constructed a house over the same. The appellant is living there since last 50 years. The name of appellants father was also entered in Ranchi Municipal Corporation and they had been paying taxes till their life time. Chowkidary Receipt was also issued in the name of appellant's father for the year 1977 and onwards. The restoration case was filed in the lower court at very belated stage by ignoring the provisions of Limitation Act. The lower court ignored the point of limitation. It is also ignored that there is documentary evidence to prove existent of structure over the land.



Heard learned counsel for both the parties. The learned counsel of the appellant submitted the same points as stated in memo of appeal. It is added that a panchayati (compromise settlement) was held in which both the parties resolved dispute.

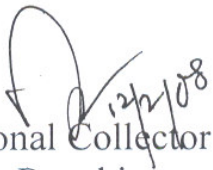
The learned counsel for the respondent pleaded that sada deed of the appellant is clear violation of section 46 of the CNT Act. It is not a sale deed but an agreement of sale. In the said sale deed, the deed writer has signed in 1958 though the deed is of 1950 and stamp paper is of 1980.

After considering all the concerned documents and arguments, it is an admitted fact that there is structure over the disputed land and the same is occupied by the appellant. The latter has produced some municipal receipts also showing that the municipal authorities created holding over the land in question. In view of these facts, the lower court is required to determine the period of erection of the structure so as to decide whether the same came before 1.1.1969 or thereafter.

In view of aforementioned facts, the appeal is allowed and remanded back to the lower court for consideration of the above points.

Dated:- 12.2.2008

Dictated & Corrected by


Additional Collector
Ranchi