

In the Court of Additional Collector, Ranchi
SAR Appeal 28 R-15/07-08

Ramkaleshwar Singh

Appellant

Versus

Shanti Agustina

Respondent

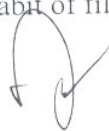
ORDER

11/
15.01.2008

This appeal has been filed against the order dated 25.02.2006 passed by Sri Deonish Kiro, Special Officer, Ranchi in SAR Case no73/05-06 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>
Purani Ranchi	146	94	4 Kattha

The case of appellant states that no notice was served to the appellant by the lower court. The learned lower court was passed order on 25.11.2005 for publication of notice, but the same was not complied. The appellant came to know about the order when officials of Circle Office visited to make an enquiry. It is expressed that father of the appellant no 1 namely Tej Narayan Singh had purchased an area of 2 kattha of land in disputed plot from John Prabhu Saay Kacchhap through registered sale deed dated 20.3.1959. The vendor was son of recorded tenant Gandur Mahto. In the sale deed the land in question was described as chapparbandi. It is claimed that father of the appellant constructed his residential house over the land and also over plot no121 in the year 1960. Tejnarayan Singh transferred the land with residential house to his son Ramkaleshwer Singh vide sale deed dated 4.1.1988. Ramkaleshwer Singh transferred the land to the appellant no 2 to 6 through sale deed dated 7.3.2006 and 30.5.2007. It is claimed that the case of respondent is barred by limitation as the same was filed after 45 years. The respondent had filed a SAR Case no 136/95-96 against Tribhuwan Sahu for the restoration of same plot which was rejected on 10.9.1998. Another restoration case no SAR 58/1996-97 against Gopal Prajapati was also rejected on 21.2.1998. It is alleged that the respondent was in habit of filing SAR cases.



Heard learned counsel for both the parties. The learned counsel of the appellant reiterated the story as stated in memo of appeal. The learned counsel of the respondent argued the case as well as written argument also filed by him. In written argument, it is stated that the land in question is recorded in the name of Gandur Mahto who was father-in-law of appellant no 1 and grandfather of appellant no2,3,4. It is religious land of Tribal community and un-transferable. The land was transferred by violating the provisions of C N T Act. The claim of chapparbandi is wrong because no document has been produced to prove the same. The respondent filed SAR Case no 862/03-04 against one Asturan Devi for restoration of plot no 94 which was decided on 11.10.2004 in terms of proviso II of the CNT Act. An another SAR Case no 878/03-04 against Santosh Bhagat was decided in favour of the respondent which was upheld by Additional Collector in SAR Appeal no123 R-15/03-04 ACTR 07 R-15/05-06 vide order dated 31.3.2006.

After perusing both the present and lower court record, the revision survey khatiyan shows that khata no. 146 is recorded as Gair Majrua Malik which has vested in the state government. It is strange as to how the lower court has treated the land as belonging to a schedule tribe.

As a result, the order of the lower court is not sustainable in the eyes of law and the same is set aside. However this does not entitle any relief to the appellant as well. The Circle Officer, Ranchi Town is directed to act in accordance with law.

Dated: - 15.01.2008

Dictated & Corrected by


Additional Collector
Ranchi