

In the Court of Additional Collector, Ranchi

SAR Appeal 46 R-15/07-08

Arunbala Singh

Appellant

Versus

Sanchariya Orain

Respondent

ORDER

07
25.01.2008

This appeal has been filed against the order dated 3.10.2007 passed by Sri Deonish Kiro, Special Officer, Ranchi in SAR Case no375/06-07 by which it is decided to restore the following land in favour of the respondent.

Village	Khata	Plot	Area
Hesal	03	614	2 Kattha

The case of appellant states that the land in dispute was purchased by Kailash Bihari Singh from Bhauwa Oraon through sada deed on 20-04-1963 and since then the opposite party is in possession of the same. Immediately after purchase of the land, Kailash Bihari Singh constructed a residential house over the land. Kailash Bihari Singh was the father in law of the appellant and he gifted the property to the appellant at the time of her marriage. The land in question is chhaparbandi and as such the provisions of 71A of the CNT Act is not applicable. It is claimed that the case of respondent is barred by law of limitation. The land is lost its agriculture character therefore provisions of section 71 A is not applicable.

Heard learned counsel for both the parties. The learned counsel of the appellant submitted the same contentions as stated in memo of appeal.

The learned counsel for the respondent admitted that there is construction over the land. It is narrated that no land is available in the vicinity so the respondent is not interested for restoration of the land. It is prayed that reasonable compensation may be fixed against the land in question.

Considering all the facts of the case, it appears that the appellant has purchased the land on 20.04.1963 and constructed house over the same. The fact of

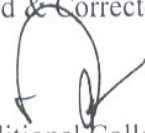


structure has been admitted by the respondent who has desired settlement of dispute in terms of 2nd proviso of 71 A of the CNT Act.

In the result, the appeal is allowed. The lower court is directed to dispose the case in terms of 2nd proviso of section 71A with a period of two months from the order in the present case.

Dated – 25.01.2008

Dictated & Corrected by



Additional Collector
Ranchi