In the Court of Additional Collector, Ranchi Mutation Revision 13 R15 /07-08

Lal Randheer Nath Sahdeo	Revisionist
Versus	
Mineral Exploration Employees	
Sahkari Grih Nirman Samitee	Respondent

<u>ORDER</u>

<u>8</u> 26.12.2007 This revision is directed against the order dated 7.8.07 passed by L R D C, Ranchi Sadar in Mutation Appeal 49 R15/06-07. The lower court has set aside the order dated 29.05.2006 passed by Circle Officer, Namkum in Mutation Case no 304 R27/06-07.The Circle Officer Namkum was rejected the mutation petition of the respondent in respect of following land.

Village	<u>Khata</u>	<u>Plot</u>	<u>Area</u>
Dungri	112	628	2.07 Acres
	83	627	0.07 Acres

This revision case is declared and heard ex-party because the respondent did not turn up in spite of service of notice to him.

The case of revisionist states that the disputed land is recorded in the name of Most. Ganga Kuar and others and heirs of khatiyani raiyat were Lal Nilkanth Nath Sahdeo, Lal Randhir Nath Sahdeo, Lal Harihar Nath Sahdeo and Lal Jagatdhari Nath Sahdeo. Their names have been mutated in circle office Namkum and Jamabandi was established in Register II volume III page no 153 vide mutation case no 4 R27/86-87 which is running till today. Rent is paying regularly by them. Prior to mutation of the revisionist, the name of his ancestor was already established in register II. Kanti Singh had purchased 6 decimal land from Nil Kant Nath Sahdeo and his brother through registered sale deed no 9625 dated 17.08.2002. After purchasing he applied for mutation in which an objection was filed by the respondent. The Circle Officer rejected the petition on the basis of said objection on 13.05.03. Thereafter Kanti Singh preferred an appeal no 25

R15/04 before L R D C, Ranchi which was allowed. The opposite party claiming himself as a purchaser of the disputed land and applied for mutation which was rejected by Circle Officer on29.05.2006 in mutation case no 304 R27/06-07. Then the opposite party preferred an appeal which was allowed by L R D C Ranchi on 7.8.2007. It is claimed that the lower court decided the case beyond jurisdiction. The lower court has no jurisdiction to cancel a Jamabandi of a raiyat which was established in 1985-86.

The learned Counsel for the revisionist repeated the contentions in oral argument.

Coming to the facts of the case, and scrutiny of the documents available in lower court case, it appears that the revisionist claimed himself as the successor of recorded tenant. It is also contended that the name of revisionist is running in the Register II. However the respondent purchased the land from on Sunanda Biswas. The vendor of Sunanda Biswas was Lal Rudra Pratap Nath Sahdeo.

In lower courts order, it is not clear that (i) as to how the land was transferred from Sunanda Biswas to present respondent, (ii) who is actual physical possession over the disputed land and (iii) how two parallel Jamabandis were created without canceling the earlier one?

The lower court is required to examine the above mentioned issues and give a clear finding. As a result the revision is allowed and case is remanded to the lower court for fresh hearing.

Dictated & Corrected

Dated:- 26.12.2007

Sd/-

Additional Collector Ranchi