

In the Court of Additional Collector, Ranchi

Mutation Revision 19 R-15/07-08

Savitri Devi

Revisionist

Versus

State of Jharkhand

Respondent

ORDER

15
21.04.2008

This revision has been filed against the order dated 3.07.2007 passed by D C L R, Ranchi in Mutation Appeal Case No. 135 R15/06-07 by which the appellate court upheld the order dated 12.11.2003 passed by Circle Officer, Ranchi Town in Mutation Case no 5878 R-27/05-06. The Circle Officer disallowed the mutation petition of the revisionist for the following land.

Village	Khata	Plot	Area
Konka	1605	MS 1523	150 Kari
		KM 281/2525,278	

The case of revisionist states that the land in question is recorded in the name of Babu Sukhram Mokhtar in M S khatian. The recorded tenant executed a mortgage deed in favour of Surendra Nath Roy for MS plot no 1523 area 0.535 karies of land. Surendra Nath returned the land to Sukhram Mokhtar in the year 1935. Thereafter Sukhram Mokhtar executed a sale deed in favour of Rai Saheb Ganpat Rai. Rai Saheb sold the land to Ajit Kumar Paul & others through registered sale deed in 1956. Ajit Kumar Paul and others sold the disputed land to the present revisionist. There was a family partition between the members of family of the revisionist and he got an area of 150 karies of land in his share. It is claimed that revisionist is in peaceful possession of the disputed land and separate holding has been created in his name vide holding no 134. It is stated that the revisionist

applied for mutation in which the Revenue Karmachari and Circle Inspector submitted report that the land is in possession of the revisionist and the same is free from Bhudan, Bhuhadbandi, Basgeet Settlement, Gairmajrua Aam, Adivasi and Leased property. But the Circle Officer, Ranchi disallowed the application only with the ground that in register II the land is recorded as leased and the lease holder did not take any step to get the land released from the government. It is alleged that Circle Officer did not scrutinize the case and revenue records. It is claimed that the land is a private property. The appellate court also rejected the appeal of the revisionist in the same manner.

Heard learned counsel for the revisionist who reiterated the facts stated in revision petition.

Considering the main issue of the present revision case, the revenue records does prove that the land under reference is a lease land. The register II produced by the Karmachari shows that volume no VIII of Konka Mouja records the name of Ajit Kumar Pal & others. The plot no entered on page 193 is KM 281 area 150 karis. The register shows the land as leased land of the government.

The Karmachari report submitted in Mutation Case No.5878 R27/06-07 also shows the land as "LEASED LAND" as stated in serial no 15 and on the same ground, he recommended for dismissal of the petition. The Circle Officer, Town, in his report dated 20.04.2008, submitted that the land is a leased land and as such the transfer by the leaseholder Ajit Kumar Pal was illegal and invalid. The appellate court has rightly observed that the leased land has been transferred without any permission and the same is not valid in the eyes of the law.

According to the case of the revisionist, it was Ajit Kumar Pal who transferred the land to Savitri Devi vide Deed No. 6493 dated

7.9.1965. But this transaction was illegal as the land belonged to the government and as lessee, Ajit Kumar Pal could not have transferred the same without permission of the competent authority.

In the result, the revision application fails and it is hereby dismissed. Let a copy of the order be sent to the DCLR, Ranchi and the Circle Officer, Town for necessary action.

Dated:- 21.04.2008

Dictated & Corrected by

Sd./-

Additional Collector

Ranchi