

In the Court of Additional Collector, Ranchi
Mutation Revision 27 R15/07-08

Ramekbal Mehta

Revisionist

Versus

Damayanti Devi

Respondent

ORDER

24/24.09.2008 This revision is directed against the order dated 20.06.2007 passed by L R D C, Ranchi in Mutation Appeal Case No. 56 R15/06-07 whereby the appellate court set aside the order dated 13.12.2005 passed by Circle Officer, Ranchi Town in Mutation Case No. 4707 R27/05-06. The Circle Officer had allowed mutation petition of the revisionist in respect of following land.

<u>Village</u>	<u>Khata</u>	<u>Plot</u>	<u>Area</u>
Misirgonda	343	2382	8 Katha

The case of revisionist states that the land in dispute was originally belonged to Shipa Bahadur Lal and his family members. On the basis of a registered power of attorney no. 502 of 1990, Purushottam Mishra sold the land to the present revisionist through registered sale deed no. 9630 dated 6.8.2004. The revisionist came into possession and got his name mutated through Mutation Case No. 4707 R27 of 2005-06 vide order dated 13.12.2006 and rent receipt was also obtained. Thereafter the revisionist constructed four rooms, kitchen, toilet and cowshed over the disputed land and residing with family members. It is added that the respondent has purchased the disputed land from Sarita Kumari and Ganga Devi daughters of Shipa Bahadur Lal on the basis of a power of attorney no. 225 dated 18.5.1993 given to Prem Shanker Chandra Verma and Rajesh Kumar Tiwary. It is alleged that the respondent purchased the land on the basis of forged and fabricated power of attorney. Ganga Devi and Sarita Devi had never executed any power of attorney in favour of the vendors of the respondent. Ganga Devi and Sarita Devi filed a Complain Case No. 330/03 against Prem Shankar Verma and Rajesh Kumar Tiwary which is pending in Civil Court. A Title Suit No. 4/2005 also pending in the Court of Sub Judge which is filed by the

respondent. It is claimed that the revisionist purchased the land from rightful owner.

Heard learned counsel for both the parties. The counsel of the revisionist reiterated the facts as stated in revision petition. The learned counsel of the respondent did not argue but filed written argument in which it is stated that respondent purchased 9 katha 6 chhatak land in RS Plot No. 2382 and 2384 through registered sale deed no. 4699 dated 8.6.99 from original owner Ganga Devi and Sarita Devi through their registered power of attorney holder Prem Shankar Chandra Verma and Rajesh Kumar Tiwary. The land in dispute was ancestral property of Ganga Devi and Sarita Devi which was allotted them in a Partition Suit No. 37 of 1966. The said owners had given the whole land to the registered power of attorney holders through registered deed no. 43930 dated 18.5.1993. After purchase of land, the respondent came in possession and got the name mutated in Town Anchal. She constructed boundary wall and two pucca rooms over the land in dispute. When the respondent came to know in 2006 that her land purchased by the revisionist from one Purushottam Mishra on 6.8.2004 vide deed no 9630 and got his name mutated, the respondent filed Mutation Appeal before DCLR, Sadar, Ranchi which was allowed. It is alleged that the revisionist illegally purchased the land on the basis of forged and fabricated power of attorney.

In view of the above facts and arguments placed before the court, it appears that the real point of dispute is regarding Power of Attorney. Both the parties have purchased the land from two different Power of Attorney Holders. A Title Suit No. 4 of 2005 is also pending in the court of Sub Judge who will decide the title of the land.

As a result, the revision is dismissed. Convey the order to all concerned courts and officers.

Dated:- 24-09-2008

Dictated & Corrected by

Sd./-

Additional Collector,
Ranchi.