

# In The Court of Additional Collector, Ranchi

## Rent Fixation Appeal 02R-15/07-08

Nilika Lal

Appellant

Versus

Awadhesh Mishra & others

Respondent

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### ORDER

12  
10.12.2007

This appeal has been filed against the order passed by L R D C, Ranchi in Rent Fixation case no 753 (III )/92-93. The lower court fixed rent in favour of one Lal Mohan Mishra with respect to following land.

Village	Khata	Plot	Area
Hinoo	183	456	50 decimal

The case of appellant states that the land in question is recorded in the name of Smt. Mini Lal w/o Tilakdhari Lal who died leaving behind her successors. Presently the appellant is successor of the recorded tenant. After vesting of the Zamindari, the name of Mini Lal has been entered in register II. In April 2007 the appellant came to know that Lal Mohan Mishra has got entered his name in register II through rent fixation order of L R D C with respect to 50 decimal of land. The appellant applied for certified copy of said rent fixation order vide application no 2957 dated 25.04.2007 but the same was not supplied till the date.

Heard learned counsel for both the parties. Both the parties has also filed written argument.

The written argument of the appellant is mostly repetition of the contents of memo of appeal. It is added that the disputed land is recorded in the name of Grand Mother in Law of the appellant. In the present case the rent fixation has been ordered on the basis of fabricated and forged sale deeds. The legal heirs of recorded tenants never served any notice. It is pleaded that according to the judgment reported in 2007 (3 ) PLJR 278, in case of mutation of the name of any

such transferee, if any, cannot be made without serving notice to the recorded tenant running in the register II.

In the written argument of the respondent, it is stated that Lal Mohan Mishra had purchased the land from one Munni Lal Paswan who purchased the same from Tilakdhari Lal. Lal Mohan Mishra remained in possession for last 50 years and at present respondentas are still in peaceful possession. All the respondents are constructed residential houses over the land. They got their name mutated through rent fixation case no 753 (III )/91-92. It is further stated that a Misc. case no 1458/78 was decided by SDM Ranchi in favour of the vendor of the respondent. It is pleaded that in present appeal the appellant raised the question of title but the learned court is to see only the peaceful possession of the land. It is also claimed that present appeal is barred by law of limitation.

Perusing the present case, it appears that the entire story centers on plot no 456 of village Hinoo. The appellant claimed that land was recorded in the name of Mini Lal. After vesting, her name was entered in Register II (Tenants Ledger). It is added that respondent no 1 (now dead ) fraudulently got his name recorded in revenue records and sold the disputed plot to several persons some of whom are respondents in the present case.

In this context the relevant Register II and Register 27 was requisitioned from the Circle Officer, Ranchi Town. The register II shows that the name of Lal Mohan Mishra was entered on the basis of Mutation Case No 753 (III )of 92-93. The Mutation Register 27 was also examined and it was found that the case was not disposed as yet.

Another verification was made from the Rent Fixation Register of the LRDC, Ranchi Sadar. Page no 10 of the said register shows that the case was returned for some compliance by the learned LRDC, Ranchi and the same was not finally disposed.

It is important to not here that al the rent fixation cases are registered in register 8 and not in register 27 which is a mutation register. This casts additional doubt on the creation of jamabandi in the name of Lal Mohan Mishra.

In view of aforesaid facts, it appears that the jamabandi created in the name of Lal Mohan Mishra was forged and fabricated. It did not have the sanction of the competent authority (i.e., the LRDC,Ranchi ). The official revenue records do not confirm any order in favour of Lal Mohan Mishra.

On the other hand, the respondents have also failed to produce any certified copy of the order of the competent authority. All the subsequent mutations are naturally doubtful because all of them originate from Lal Mohan Mishra. Thus the mutation papers produced by other respondents do not have any basis.

The pleading of the opposite side that the case was time barred does not hold water because the appellant had no knowledge of jamabandi of Lal Mohan Mishra and the subsequent mutations. The name of Lal Mohan Mishra was amended in last stage by his son Awadesh Mishra due to former's death.

In view of the facts mentioned above, there is no doubt that the jamabandi of Lal Mohan Mishra was unauthorized and fabricated. All the resultant jamabandis are hence forth wrong and cannot be sustained in the eyes of law. In the result the appeal is allowed and the jamabandi of Lal Mohan Mishra and related are also cancelled.

Dated :- 10.12.2007

Dictated & Corrected

Sd/-

Additional Collector  
Ranchi