

In the Court of Additional Collector, Ranchi

SAR Appeal 27 R 15/08-09

Ajit singh & others

Appellant

Versus

Sukra Oraon

Respondent

ORDER

6/06.08.2008 This appeal has been filed against the order dated 19.1.2008 passed by Sri Deonish Kiro, Special Officer, Ranchi in SAR Case no 531/06-07 by which the lower court decided to restore the following land in favour of the respondent.

<u>Village</u>	<u>Khata</u>	<u>Plot</u>	<u>Area</u>
Ranchi	164	154	22 Decimal

The case of appellant states that the land in question is recorded in the name of Mangra Oraon. The present appellants have no concern with plot no 154 but they have concern with the land of Khata No. 150 Plot No. 205 corresponding to M S Plot No. 193 Ward No. II, Ranchi. It is stated that in the year 1931, the then Khewatdar converted the land in chaparbandi through registered Deed No. 1729. After conversion of the land into chaparbandi, the recorded tenant sold the same to Ansuya Devi w/o Binoa Ram Rawani vide registered Deed No. 1752/1931. After the death of Ansuya Devi, her husband Binod Ram Rawani and daughter Lalo Devi inherited the property and came in possession. Later they sold a portion of the land measuring an area of 3 katha 10 chatak 14 square feet to the father of the appellant Kulwant Singh through registered Deed No. 4108 dated 11.6.1959. Kulwant Singh came into possession and got his name mutated in Circle Office and Ranchi Municipal Corporation. He also got map sanctioned from Ranchi Municipal Corporation and constructed residential house over the land. Kulwant Singh also got water connection in the year 1961 from RMC, Ranchi. In the year

1990 Kulwant Singh transferred the land through two registered gifts deeds to the present appellants. By virtue of registered Gift No, 9098/1990 appellant no. 1 Ajit Singh came into possession of 2 katha 5 chatak 13 sq.ft. of land and got his name mutated in Circle Office and RMC, Ranchi and started paying rent and taxes. In the same way appellant no. 2 Manjit Singh came into possession of 1 katha 4 sq.ft. of land by virtue of registered Gift Deed No. 9047/1990. He also got his name mutated in Circle Office and RMC, Ranchi and paying rent and taxes. It is further described that the lower court passed order against the appellants in respect of Khata No. 164 Plot No. 154 which is not the property of the present appellants but the respondent has given the name of appellant no. 1 as present owner and in possession of the said property.

Heard learned counsel of the appellant who narrated the same points and facts as stated in memo of appeal. The learned counsel for the appellant did not argue and opportunity was given to him for filing written argument which was complied with. In the written statement of the respondent, it is stated that the present appellant has got a valid paper of land of Khewat No. 9/1 Khata No. 150 Plot No. 205 area 3 katha 10 chatak 14 sq.ft. only. The land is not subject matter of SAR Case No. 531/06-07. The appellant fraudulently occupied possession over the land of Khata No. 164 Plot No. 154 area 22 decimal but they have not taken possession over the land mentioned in their deed. The appellant has no valid paper in respect of Khata no. 164 plot no. 205. The papers annexed with the memo of appeal is not related to Khata No. 164 Plot No. 205.

The real issue in the present case is the chaparbandi conversion of the land. The counsel for the appellant submitted that land was converted into chaparbandi by the then khewatdar by virtue of Registered Deed No. 1729 of 1931 and that after the conversion the recorded tenant sold the land to Ansuya Devi w/o Brojoo Ram

Rawani by virtue of Registered Sale Deed No. 1752 of 1931. Learned Counsel added that Ansuya Devi paid chaparbandi rent to the ex-landlord. After her death, her husband Birjoo Ram Rawani and daughter Lalo Devi sold an area of 3 katha 10 chatak 14 sq.ft. to Kulwant Singh (father of appellant) by virtue of Deed No. 4108 dated 11.6.1959.

The learned counsel of the respondent assailed the stand of the appellant on the ground that the alleged registered document of chaparbandi is concerned with Khata No. 150 Plot No. 205 which is not concerned with the lower court order. It was also submitted that appellants have forcibly occupied Plot No. 154 of Khata No. 164 which falls under Bhuinhari Khewat.

Perusing the lower court record, it appears that the appellants have not really contested the case. Service of notice shows that they refused to receive the notice. As a result they did not get opportunity to file show cause and submit the documents.

The lower court needs to reach a finding whether the so called chaparbandi documents relate to present disputed Plot No. 154. If the land is chaparbandi then no proceeding under section 71 A of the CNT Act can be initiated for restoration of land.

Since the main point related to the chaparbandi conversion, it is necessary that both parties should be given opportunity to lead further evidence in support of their respective cases. Hence the order of the lower court is set aside and the appeal is allowed. The case is remanded back to the SAR Court to dispose of the case in the light of observations made above.

Dated:- 6.08.2008

Dictated & Corrected by

Sd./-

Additional Collector,
Ranchi.