

In the Court of Additional Collector, Ranchi

SAR Appeal 71 R15/08-09

Suresh Kumar Sinha

Appellant

Versus

Fagu Oraon

Respondent

SAR Appeal 72 R15/08-09

Phoolkumari

Appellant

Versus

Fagu Oraon

Respondent

ORDER

7/10.11.2008 This appeal has been filed against the order dated 13.11.2007 passed by Shri Deonish Kiro, Special Officer, Ranchi in SAR Case No. 226,227,228/07-08 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>
Hesal	50	831	20 Katha

The claim of appellants of Appeal No. 71 R15/08-09 is only 4 katha 4 chhatak and Appeal No. 72 R15/08-09 is 4 katha 3 chhatak 15 sq.ft. of land. The case of appellants of case no. 71 R15/08-09 states that the land in question was purchased by one Surjan Sahu from Bhagat Oraon through registered deed on 1.9.1960. Surjan Sahu sold the land to present appellant vide registered sale deed no. 5505 dated 8.9.1960. It is claimed that the land in question is chhaperbandi and this fact is fully verified by the Circle Officer, Ranchi in Mutation Case No.

263 R 27/1960-61 wherein it is mentioned that the land was converted into chhaperbandi by ex-landlord and matter was referred to G.P. After the opinion of G.P. the matter was referred to D.C. Ranchi who commented that the land is chaperbandi . Subsequently the mutation was allowed. The appellant came in possession over the land and got his name mutated in the year 1960-61. He also got a map sanctioned from Improvement Trust in case no. 458/61 and constructed a residential house over the land. Appellant also got his name mutated in Ranchi Municipality and accordingly holding no. 771-E was created which is now holding no. 771/E/B/A-1.

The case of the appellant of appeal no. 72 R15/08-09 is of same footing. It is stated that Surjan Sahu sold the land to Nageshwar Pandit vide registered deed no. 5434 dated 1.9.1960. The later sold the same to the present appellant through registered deed no 11565 dated 9.12.1985. The appellant got her name mutated in Circle Office and Ranchi Municipality and paying rent and taxes regularly.

Heard learned counsel for both the parties. The learned counsel for the appellants stated the same points as stated in memo of appeals. The learned counsel of the respondent submitted that the name of Mario Oraon was recorded in revisional survey khatian. It is claimed that the vendor of the appellants Surjan Sahu purchased the land from wrong person Bhagat Oraon. It is narrated that the appellants did not appear in lower court.

A perusal of the lower court record, shows that notice was not properly served to the appellants. The process server simply recorded that they refused to receive notice but the service is bereft of any witness to support the server's report. In the result, the court did not provide any opportunity to them to adduce evidences. In the ends of justice, the appellants deserve to get opportunity to provide documents and evidences.

Under the circumstances, the appeal is allowed and the case is remanded to the SAR Court to consider the case afresh. After taking evidences, the court may pass orders in accordance with law.

Dated:- 10.11.2008

Dictated & Corrected by

Sd./-
Additional Collector,
Ranchi.