



claimed that the case of respondent is hit by principles of resjudicata and barred by law of limitation.

Heard learned counsel for the appellant who repeated the story as stated in memo of appeal. The counsel of the respondent did not argue but has filed written argument in which it is stated that admittedly disputed land belonged to heirs and successors of recorded tenant. It is stated that Ramgati Singh acquired disputed land through sada deed and title suit which is clear violation of section 46 of the CNT Act. Earlier no SAR Case was filed by the respondent because he was out of station at Maharashtra for livelihood. The alleged compensation of Rs 18,600 for 64 decimal of land is very low. It is stated that respondent had not signed in receiving of said amount because he was in Maharashtra and is illiterate person. It is claimed that the land in question is still vacant and hence question of second proviso does not arise. It is asserted that the land was transferred by violation of section 46 of the CNT Act.

Perusing the documents, it is clear that the learned DCLR, Ranchi Sadar had regularised the land concern by ordering the payment of compensation in SAR Case No. 69/97-98. Accordingly Ganga Prasad had submitted compensation of Rs 18,600 vide draft no. 3228826 dated 18.1.1999. The payment was received by Budhua Oroan.

Apparently the present case suffers from principle of Res Judicata. The learned SAR Court has taken note of the compensation but has treated the same as wrong. But the lower court cannot exercise the power of an appellate court which can decide whether the compensation was right. The same court should not have passed another order of restoration.

In the result, the appeal is allowed and order of the SAR Court is quashed.

Dted:- 28.11.2008

Dictated & Corrected by

Additional Collector.  
Ranchi.