

In the Court of Additional Collector, Ranchi
Mutation Revision 09 R15/08-09

Ratan Jalan & others

Revisionist

Versus

Upendra Kumar

Respondent

ORDER

11/12.01.2009 This revision is directed against the order dated 11.03.2008 passed by L R D C, Ranchi in Mutation Appeal Case No. 106 R15/07-08 whereby the appellate court set aside the order dated 3.10.2007 passed by Circle Officer, Kanke in Mutation Case No. 717 R27/07-08. 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>
Bukru	62	54	8 Decimal

The case of revisionist states that the land in dispute is recorded in the name of Baidhnath Jalan, Kershardeo Jalan, Sukhdeo Jalan and Nandlal Jalan. Sukhdeo Jalan was look after the property of Hindu Undivided Family. In amicable family partition, the disputed land was allotted to the share of Sukhdeo Das Jalan which was later confirmed in written by remaining co-sharers. After amicable partition, Sukhdeo Das Jalan came into exclusive possession of the disputed land. He had no natural born son. Therefore he adopted Kedarnath Jalan who was the son of his brother Vaidyanath Jalan. The adoption was done according to Hindu customs. Later the adopted son inherited the disputed land and came in possession. The names of ancestors of the revisionists exists in Register II and rent was being paid by him. The

respondent filed an application on 21.2.2007 claiming that the disputed land was sold to one Chandi Prasad Jalan by sada hukumama who died leaving behind his only son Krishna Kumar Jalan. It was mentioned by the respondent that the name of Krishna Kumar Jalan was entered in register II. It was further mentioned that K.K. Jalan filed a petition to recovery of arrear of rent due since 1977 and the petition was allowed on 8.3.2007. It was further claimed by the respondent that one Fagu Mochi was engaged to look after the land but he managed to get his name entered in draft record of right. As a result Revision Case was filed u/s 89 of the CNT Act. The respondent claimed that he had purchased 8 decimal of land from K K Jalan through registered deed no. 10700 dated 21.6.2007. The mutation petition of the respondent was dismissed by Circle Officer, Kanke. Thereafter the respondent filed appeal before DCLR, Ranchi Sadar which was allowed ignoring the material facts and possession of the revisionists.

Heard learned counsel for the revisionists who reiterated the story as stated in revision petition. The learned advocate of the respondent did not argue but has filed written argument in which it is stated that the recorded tenants transferred the land to Chandi Prasad Jalan through sada sale deed dated 21.2.1947. Chandi Prasad Jalan died in the year 1977 leaving behind his only son Krishna Kumar Jalan who inherited the disputed land. It is further stated that K K Jalan approach C O Kanke for paying rent which was due since 1977. Circle Officer, Kanke was pleased to call for a report and after receiving the same from Halka Karamchari, passed order to accept arrear rent from Mr. K K Jalan. Mr

Krishna Kumar Jalan sold the disputed land to present respondent vide registered sale Deed No. 10700 dated 21.6.2007 through his Power of Attorney holder. It was claimed that respondent is in possession of the disputed land since the date of purchase. It was asserted that the land was purchased from a legal and absolute owner.

Perusing the all the relevant documents of the case, it appears that the lower court of DCLR, Ranchi has passed order after hearing only Upendra Kumar and Shyam Kumar Jalan. But there are several other persons involved in the present land namely Fagu Mochi, Asha Kumari Sinha, Sarfuddin and Krishna Kumar Jalan. The order of the appellate court is vitiated because other parties have not been heard. As such the hearing made by the court is against the principal of natural Justice.

In view of the above facts, the order dated 11.03.2008 passed by DCLR, Ranchi Sadar is set aside and the appeal is allowed. The case is remanded back to the DCLR, Court for fresh hearing.

Dated. 12.01.2009

Dictated & Corrected by,

Sd./-

Additional Collector,
Ranchi.