

In The Court of Additional Collector, Ranchi

Mutation Revision 28R/08-09

State

Appellant

Versus

Sanjay Sahu

Respondent

Order

08
26.12.2008

This revision has been filed against the order dated 02.09.2008 passed by D.C.L.R., Ranchi Sadar in Mutation Appeal Case No. 75R-15/08-09 by which the appellate court has set aside the order dated 08-03-07 passed by C.O. Ratu in Mutation Case No. 1933R-27/06-07. The lower court was rejected mutation application of the respondent in respect of following land.

| Village | Khata | Plot | Area |
|---------|-------|------|------------|
| Ratu | 426 | 2667 | 67 Decimal |
| | | 3825 | |
| | | 2647 | |

The Circle Officer, Ratu reported vide letter no 287 dated 25.09.08 that the land in dispute has been acquired by the State Govt. vide letter no 269/ceiling dated 12.05.1992 under Bihar land Reforms (Acquisition of Surplus Land) Act. A copy of Gazzate Notification also enclosed with the report.

Both the parties contested the case and filed written argument of their respective claims.

In the written argument filed by A.G. on behalf of the State, its is contended that the respondent had purchased the land from seller

Sahdeo Gope. When respondent applied for mutation on verification Circle Officer, Ratu found that the land is recorded as Gairmajrua Malik in RS Khatiyani. It is involved in ceiling Case and had been acquired by State Govt. Therefore C.O., Ratu rejected the mutation petition of the respondent. But DCLR, Sadar allowed the appeal of the respondent on 02.09.08. The respondent claimed that Leda Ahir got the land through Kabuliatnama which did not confer any right, title and possession. No rent receipt since 1950 to till date has been produced. Only Jamindari receipt of 1946 to 1950 was produced in lower and appellate court.

In the written argument of the respondent it is stated that the land in dispute was acquired vide registered "Bandobasti Deed" by Leda Ahir being deed no 6589 dated 30.12.1944. The successor of Leda Ahir namely Sahdeo Gop transferred aforesaid land to the respondent vide deed no 13363 dated 11.09.2006. The mutation application of the respondent was rejected by Circle Officer, Ratu without any legal and valid reasons. It is claimed that respondent obtained the land from the heirs of Register II tenant. The Ceiling Act Came into force on 01.04.1976 with prospective effect but the disputed land was already transferred in the year 1944 as such the provisions of ceiling Act will not attract the claim of respondent.

The documents given in the current reveal that land land under consideration was declared surplus under Bihar Land Reforms (Fixation of Ceiling) and Bihar Land Reforms Fixation of Ceiling Area and Acquisition of Surplus Land, 1961 vide notification no S.O. 269 Ceiling dated 12th May, 1992.

After declaration of surplus land, the only option before the respondent was to file and appeal/revision before the competent

authority. But the same was not done. As a result, the land is now vested in the Government of Jharkhand.

In the result, the order dated 02.09.2008 of Deputy Collector Land Reforms, Ranchi Sadar is not sustainable in the eyes of law and the same is set aside. C.O., Ratu is directed to enter the name of Govt. of Jharkhand in Register II.

Dictated & Corrected by

Sd./-

Additional Collector,
Ranchi.

Dated:- 26.12.2008