

In The Court of Additional Collector, Ranchi
Rent Fixation Appeal 95 R-15/08-09

Radha Mohan Singh

Appellant

Versus

State of Jharkhand &
Manbodh Lohra

Respondent

Order

In this appeal application, the petitioner has prayed for quashing the order dated 01-08-2008 in Rent Fixation Case No. 318/06-07/20/08-09 passed by the Deputy Collector Land Reforms, Ranchi Sadar.

The petitioner was aggrieved with the order of the L.R.D.C., Ranchi because rent was already fixed in the name of Narbadeshwar Prasad Singh S/o late Harihar Prasad Singh vide Rent Fixation Case No. 65R of 62-63. According to appellant the said property was already considered in U.L.C. case No. 262 of 1976 in which an area of 12626.84 Sq. mt. was released in his favour. But the L.R.D.C., Ranchi has passed an order of modification of jamabandi and decided to insert the name of the respondent by determining rent.

The entry in the khatyan is as follows: -

1	2	3	4	5	6	7	8	9	10
१४६	अहलाद चौकीदार वल्द बंधना लोहरा	नौकराना	बास्ते करने पहरेदारी मिला है	बेलगान				६० २१६ २२०	०२ ४६ ०६

The above entry suggests that the land was 'Naukarana' recorded in the name of Ahlad Chaukidar. It was given for services rendered as 'Guard' and rent was not fixed at the time of survey.

The word 'Naukrana' land is not and cannot be termed to be a possession of a raiyat. It merely suggests permissive possession and

such possession cannot be allowed to take the shape of raiyati land. All that it means is that the 'Naukar' was given possession of the land for a certain period of time without releasing any rent.

It is an admitted fact that an U.L.C. Case No. 262 of 1976 was heard by the Deputy Commissioner, Ranchi and the competent Authority released over 10,00 Sq. Mt. which included the current disputed Plot No. 219 and 220.

The Records indicate that the demand of Parmeshwari Devi was running in revenue records for an area of 12626.36 sq. mts. But the Court of L.R.D.C., Ranchi Sadar ordered the modification of this demand.

However the DCLR, Ranchi has not indicated the section under which rent has been fixed in favour of the respondent. Even the point of possession needs to be ascertained as to who is an actual possession of the soil.

Another issue which requires to be considered is the time when the appellant regained possession of land from the "Nauker" whose name figures in khatiyān. The lower court also needs to reach a conclusion as to when demand was fixed in appellant's name because in record of rights the land is entered as "Belagan".

In view of aforesaid findings, the Appeal Case is remanded to the court of the DCLR, Ranchi Sadar for hearing on the above points.

Dictated & Corrected by
Sd./-

Additional Collector,
Ranchi.