

# In the Court of Additional Collector, Ranchi

## Misc. Revenue Case No. 01 R-15/08-09

State

Applicant

Versus

Usha Devi

Respondent

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### ORDER

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3.10.2008

The present miscellaneous revenue case is an offshoot of earlier Mutation Revision Case No. 22 R15/06-07 in which the orders of DCLR, Ranchi Sadar (Appeal No. 66 R15/05-06) and the C O Ormanjhi (Case No. 334 R27/05-06) were quashed. Subsequently, the CO Ormanjhi opened fresh Mutation Case No. 52 R27/07-08 and allowed the mutation application of Usha Devi.

Subsequently, the Circle Officer Ormanjhi reported vide his letter no. 18(ii) dated 3.5.2008 that an area of 25½ decimal was acquired vide Land Acquisition Case No. 24 of 74-75 and Case No. 28 of 75-76. The C O thus requested for change in earlier order.

The respondent was issued a notice. After appearance, a reply was filed on her behalf. The written submission stated that the C O passed order in Mutation Case No. 52 R27/2007-08 after making local enquiries and accordingly a current receipt dated 7.6.2007 was also issued. It was added that land acquisition matter are not concerned with the respondent.

The valuation report of the Land Acquisition Office shows that Devnath Lohra had received compensation from the office concerned. The C O Ormanjhi has also submitted the following gazette notification:-

- (i) No. 120/75-3417 dated 25.7.1975

All the above documents show that an area of 25½ decimal was acquired for Getalsud Water Reservoir.

Section 43 ( c ) of the Chotanagpur Tenancy Act, 1908 provides that a right of occupancy shall not be acquired with regard to land acquired under the Land Acquisition Act, 1894. Section 21 makes it clear that only the occupancy raiyat has a right in respect of use of land.

Under Section 16 of the Land Acquisition Act, the lands acquired vests in the Government absolutely free from all encumbrances. The possession of the land was taken by the irrigation department. In view of the above facts, the claim of the respondent over 25½ decimal under Plot No. 18 is not justified.

In the result, it is hereby ordered that the demand of an area of 25½ decimal of land in Plot No. 18 should be deducted from the jamabandi of Usha Devi and should be recorded in the name of Irrigation Department, Government of Jharkhand. The C. O. Ormanjhi is directed to ensure that the respondent is ejected from the above said area.

Dated:- 3.10.2008

Dictated & Corrected by

Sd./-

Additional Collector  
Ranchi