

अनुसूची 14 - फारम सं0 563

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ
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IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI

S.A.R. Appeal No.-260 R 15/2014-15

State - Appellant

Vs

Udita Nishad & Others - Respondents

ORDER

17  
29.8.16

This appeal has been suo-motto preferred by the State against the order passed in SAR Case No.-351/12-13 by the Sri Matiyas Vijay Toppo, the then Learned Special Officer, Schedule Area Regulation, Ranchi, wherein the Learned Special Officer, Ranchi vide its order dated 02.08.2013 validated the transfer with respect of land appertaining to Khata No.-7, Plot No.-349 measuring an area of 2 katha of Village Kokar (Chuna Bhatha), P.S. Sadar, within the District of Ranchi in favour of the present respondent namely Udita Nishad Wife of Shishir Kumar Das Resident of Village Kokar (Chunna Bhatha), P.S. Sadar, District Ranchi upon payment of compensation at the rate of Rs. 1,50,000/- Per Decimal.

The facts giving rise to present appeal in nutshell is that, present perform respondent namely Naresh Lakra Son of Late Mahesh Lakra @ Birsa Lakra Resident of Kokar (Chunna Bhatha), P.S. Sadar, District Ranchi being the legal heirs and successors of the recorded tenant preferred an application U/s.71A of the CNT Act for restoration of land under Khata No.-7, Plot No.-349

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आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर के कारवाई के बारे में टिप्पणी, तारीख के
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	<p style="text-align: center;">-:2:-</p> <p>measuring an area of 2 katha of Village Kokar (Chuna Bhatha), P.S. Sadar, within the District of Ranchi against the present respondent, which was registered as impugned Case bearing SAR Case No.- 351/12-13, wherein and whereunder the Learned Special officer, Ranchi vide impugned order validated transfer of land under Khata No.-7, Plot No.-349 measuring an area of 2 katha of Village Kokar (Chuna Bhatha), P.S. Sadar, within the District of Ranchi in favour of the present respondent Udit Nishad upon payment of compensation at the rate of Rs. 1,50,000/- Per Decimal.</p> <p>Recently, upon enquiry conducted by the team experts certain irregularities were detected in the impugned proceeding and since the State Government is the custodian of the property belonging to member of Schedule tribe, hence directions were issued to file this instant appeal.</p> <p>According to the Learned Government Pleader, appearing on behalf of the State, it has been claimed by the opp. Parties/ respondent that, applicant has himself admitted in the application as well as in his deposition that, the land in question has been transferred in favour of the ancestor of the respondent in the year 1950 and since then there exists substantial structure over the land in question, but the Learned Courts below failed to consider that, according to the Bihar Schedule Area Regulation, 1969, the legislation has empowered the authority to ignore the admission made by the member of Schedule tribe unless</p>	

*(Signature)*

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ
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below is hereby set-aside and the authority below is directed to restore the possession of the land in question in favour of the present performam respondent.

Communicate this order to the Learned Special Officer, Schedule Area Regulation, Ranchi for information and necessary action.

Dictated & Corrected

Deputy Commissioner  
Ranchi

Deputy Commissioner  
Ranchi

order communicated to S.A.B officer Ranchi with S.A.B case no 359/12-13 (Naresh Lakra and others vs Udit Nishad) for information and necessary action vide Memo no 2476/01 dt 14.9.16

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29/8/16.

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29/8/16.

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14.9.16