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आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ

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-:1:-

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI

Mutation Revision No.- 24 R 15/2015-16

Ranthu Mahto & Others - Petitioner

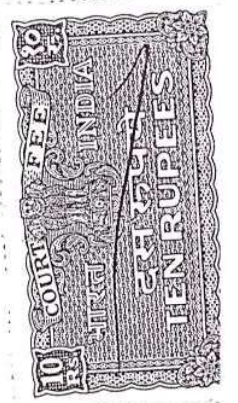
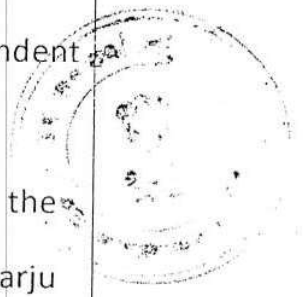
Vs

Lal Ravindra Nath Shahdeo & Others - Respondent

ORDER



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28.9.17

Present Mutation Revision has been preferred by the petitioners (1) Ranthu Mahto Son of Late Jerka Mahto, (2) Sarju Mahto Son of Late Jagdeo Mahto and (3) Jitwahan @ Jitendra Mahto Son of Late Hari Charan Mahto All Resident of Village Tupudana, P.S. Tupudana T.O.P., P.O. Hatia, District Ranchi against the respondents namely (1) Lal Ravindra Nath Shahdeo Son of Late Gajendra Nath Shahdeo R/o Village Tupudana, P.S. Tupudana T.O.P, District Ranchi (2) Smt Dulari Devi Wife of Muninder Singh R/o Baldeo Sahay Lane, Upper Bazar, P.S Kotwali, District Ranchi at present resident at Tupudana, P.S Tupudana, T.O.P, District Ranchi, (3) Smt Shkultala Devi Wife of Jai Narayan Choudhary, (4) Bhulan Devi Wife of Hira Lal Choudhary, (5) Bhola Nath Shahdeo Son of Gajendra Nath Shahdeo, All Resident Village Tupudana, P.S. Tupudana T.O.P, District Ranchi, (6) Smt Nimo Wife of Uгна Mahto, (7) Uгна Mahto Son of Porha Mahto, Both



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आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	दिनांक
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	<p style="text-align: center;">-:2:-</p> <p>Resident of Village Bhicha Garha, P.S. Karra, District Khunti at present residing at Village Tupudana, P.S. Tupudana T.O.P, District Ranchi, (8) Jagdish Prasad Choudhary Durgapurwaley Son of Kalu Ramji, (9) Bhikha Ram Ji Budbudwaley, (10) Udaychandra Agarwal Son of Jagarnath Agrawal, (11) Rajendra Prasad Calcuttawaley All Resident of Upper Bazar, P.S. Kotwali, District Ranchi at present residing at Village Tupudana, P.S. Tupudana T.O.P, District Ranchi, (12) Satyadeo Mishra Son of Indra Nath Mishra Resident of Village Doranda, P.S. Doranda, District Ranchi at present residing at Village Tupudana, P.S. Tupudana T.O.P, District Ranchi and (13) Anil Barun Karmokar Son Akinchand Karmokar, Resident of Wtr No.-B/2, 381, P.S. Dhurwa, District Ranchi at present residing at Village Tupudana, P.S. Tupudana T.O.P, District Ranchi on being aggrieved by and dissatisfied with order dated 08.08.2008 passed by the Learned Land Reforms Deputy Collector, Sadar, Ranchi in Misc Case No.-03/2001-02, whereby the Learned Land Reforms Deputy Collector, Sadar, Ranchi ordered for deletion of the jamabandi in name of the father of the petitioner with respect of land under Khata No.-132, Plot No.-350 area 0.79 Acre of Village Tupudana and restore the jamabandi with respect of the land in question in the name of the respondents.</p>	 

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 Compared by *[Signature]*

District Khunti at
District

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आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई
कारवाई के बारे में
टिप्पणी, तारीख के साथ

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Inspite of publication of summon in daily newspaper Dainik Bhaskar on 11.03.2017, no one appeared on behalf of the Respondent No.-1 to 11 and 13 to argue the instant revision, hence after hearing the Petitioner and Respondent no.-12, this revision was fixed for passing final order.

According to the Learned Advocate appearing on behalf of the petitioner, in the R.S. Record of Right, the land in question under Khata No.-132, Plot No.-350 area 1.03 Acres of Village Tupudana P.S. No.-267, District Ranchi stands recorded as Kaima in the name of Manan Kumhar Son of Mana Kumhar. The aforesaid land appertained to Khewat No.-4/2, which stands recorded in the name of Lal Jagarnath Sai and Others as Khewatdar and the rent was fixed in kind.

Further, it is further asserted that, the recorded tenant Manan Mahto died leaving behind his only son Jagdeo Mahto, while the aforesaid Jagdeo Mahto died leaving behind his three sons namely Jerka Mahto, Sarju Mahto (the petitioner no.-2) and Haricharan Mahto and among the aforesaid sons of Jagdeo Mahto, the said Jerka Mahto died leaving behind the petitioner no.-1/ Ranthu Mahto, while the aforesaid Haricharan



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Certified Photo Copy
Group 1/2

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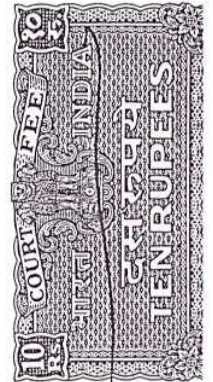
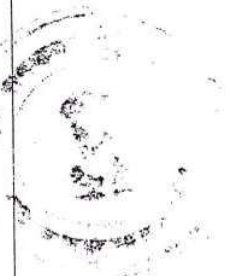
आदेश का म संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	दि
1	2	transfer

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Mahto died leaving behind the petitioner no.3/Jitwahan Mahto, who being the legal heirs and successors of the recorded tenant inherited the land in question and came in peaceful possession of the same. As per the report submitted by the Circle Officer Namkum Anchal vide Letter No.-56, Jamabandi with respect of land in question is running in the name of recorded tenant Manan Kumhar and the petitioner Jagdeo Kumhar is exercising all act of possession over the land in question with house standing thereupon.

Further, it is contended that, the respondents claim that the land in question was sold by one Lal Kisto Nath Shahdeo and Others in favour of Jagdish Prasad Choudhary Durgapurwaley and Others vide registered deed of sale bearing Sale Deed No.-5384 dated 31.08.1959. Since the land in question was recorded in the R.S. Record of Right as Kaimi and was never surrendered to the Khewatdar, hence the Khewatdar had no right to alienate the land in question and the alleged transfer made in favour of the predecessor in interest of the respondent is void and is merely a paper transaction.

It is also submitted that, the father of the petitioner has



Jitwahan

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Itwahan Mahto,
tenant

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आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ

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transfer a portion out of the land in question in favour of the predecessor in interest of the respondent no.-12, hence the petitioner has no objection, if Jamabandi with respect of the land held and possessed by the said respondent no-12 is restored in their favour.

On the other hand according to the Learned Advocate appearing on behalf of the respondent no.-12, the recorded tenant Jagdeo Kumhar had transferred the land measuring an area of 24 Decimals out of 1.03 Acre out of Khata No.-132, Plot No.-350 of Village Tupudana P.S. No.-267, District Ranchi to one Batoran Singh Son of Ishwardhari Singh vide Sale Deed No.-8819 dated 08.10.1968 and thereafter the said Batoran Singh sold 6 Decimals of land out of 24 decimals so purchased by him to one Raj Kumar Agarwal Son of Late Bhola Ram Agarwal on 12.12.1968 vide Sale Deed No.-10134 and also the said Batoran Singh transferred the land measuring an area of 18 Decimals vide registered Sale Deed No.-5666 dated 21.04.1971 and similarly he also purchased 6 Decimals out of the land in question from said Sri Raj Kumar Agarwal vide Sale Deed No.-5667 dated 21.04.1971 and came in peaceful possession of the aforementioned land and



Jagdeo

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आदेश का क्रम संख्या और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

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erected boundary wall upon the same.

It is further asserted that, the Jamabandi with respect of the respondent no.-12 was also inadvertently cancelled under the garb of the impugned appeal without issuing any notice upon the Respondent no.-12.

Having heard the petitioner and respondent no.-12 and on perusal of material available on record, I find that, it is settled law that possession is main criteria for mutation, but as per the impugned order I find that, the Circle Officer Namkum Anchal has submitted two contradictory report with respect of possessions of the parties concerned over the land in question, hence the factum of possession over the land in question is suspicious. It is also settled law that, long running Jamabandi cannot be cancelled in summary proceeding. As per the Bihar Tenant's Holding (Maintenance of Record) Act, 1972, mutation is allowed only if the applicant acquires right upon a land through succession, transfer etc from the Jamabandi raiyat or his legal heirs and so it is necessary for the ends of justice to enquire into the aspect whether mutation was rightly allowed in favour of the predecessor in interest of the respondents as per the provisions

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आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ

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laid under the Bihar Tenant Holding (Maintenance of Record) Act or not.

Hence this revision is allowed and the order passed by the learned courts below is hereby set-aside and the appeal is remanded back to the learned appellat court to decide the appeal afresh after making enquiry on the basis of discussion made hereinabove.

Communicate this order to the Learned Land Reforms Deputy Collector, Sadar, Ranchi for information and necessary action.

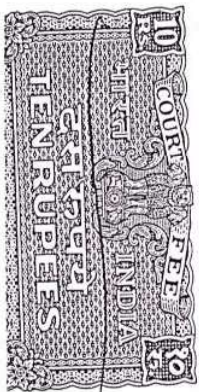
Dictated & Corrected

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28/10/17

Deputy Commissioner
Ranchi

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Deputy Commissioner
Ranchi

order communicate to L.R.D.C. Sadar, Ranchi for informat and necessary action with Memo no 22 dt. 9/10/17



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28/10/17

Checked by
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9/10/17