

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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05.01.2022	<p style="text-align: center;">IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI Misc Case No.-57 R 15/2016-17</p> <p>1. Dilip Kumar 2. Ashok Kumar Both sons of Late Shiv Lal Both resident of Purulia Road, Kumhar Toli, P.O. G.P.O. Ranchi, P.S. Lower Bazar, District- Ranchi Appellants</p> <p style="text-align: center;">-Versus-</p> <p>1. Chaita Kumhar son of Late Jharia Kumhar 2. Ganesh Mahto 3. Bholu Mahto 4. Dharmu Mahto 5. Jeetu Mahto 6. Ramesh Mahto 7. Sham Kumari 8. Mantu Kumari 9. Jai Kuwar Kumari All sons and daughters of Late Bhawra Kumhar 10. Kaushalya Devi wife of Late Bhawra Kumhar All resident of Village- Jorar (Gurutola) P.O. Namkum, District - Ranchi 11. Abhay Kumar Prasad son of Late Hari Ram, resident of Infront of Namkum Railway Station, Village - Namkum, P.S. Namkum, District- Ranchi. 12. Anil Kumar son of Late Basant Ram, resident of Purulia Road, Kumhar Toli 1, P.S. Lower Bazar, P.O. G.P.O. Ranchi, - 834001, Respondents</p> <p style="text-align: center;">ORDER</p> <p>Present appeal has been preferred against the order dated 10.10.2013 passed by the Learned Lands Reforms Deputy Collector, Sadar, Ranchi, in Misc. Case No. 25/2012-13, directing the Circle Officer, Namkum, Ranchi to issue the rent receipts in favour of Chaita Kumhar i.e. respondent no.-1 and Bhawra Kumhar, i.e., the father of respondent nos. 1 to 10 and cancelled the "Dohri Jamabandi" running with respect of land bearing Khata No. 21, Plot No. 1311 measuring an area of 3.34 Acers situated at Village- Jorar, P.S. Namkum, Thana No. 215 in the names of the respondent nos. 11 and 12.</p>	
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	<p>According to the Learned Advocate on behalf of the appellant:-</p> <p>The impugned proceeding was initiated upon the application file by (1) Bhowra Kumhar and (2) Chaita Kumhar sons of Late Kalicharan Kumhar with a prayer for cancellation of demand standing in the name of the present respondent no.-11 & 12 Abhay Kumar Prasad and Anil Kumar with respect of the aforementioned land in question.</p> <p>Actually, jamabandi with respect of the aforementioned land in question is running in the names of Kishun Ram Kumhar S/o Hussaini Ram Kumhar. The present appellants are the legal heirs and successors of the said Kishun Ram Kumhar. The name of aforesaid Kishun Ram Kumhar was entered in the Register II since the day of vesting of the Zamindari. The aforesaid land in question was acquire by him by virtue of a Registered Deed of sale dated 03.12.1951/22.12.1951 executed by Jharia Kumhar and Kali Charan Kumhar sons of Jitwa Kumhar in favour of the aforesaid Kishun Ram. The aforesaid Kishun Ram died leaving behind the Appellants and others as his legal heirs.</p> <p>The learned court below has based its order on the basis of Title suit and appeal disposed of with respect of the land in question. The appellants were made party in First Appeal No. 52/1990 before the Court of Judicial Commissioner, Ranchi. At present litigation between the appellant and the present respondent no.-1 to 10 is pending before the Hon'ble High Court, Jharkhand, Ranchi, which is registered as Second Appeal NO. 105/2004, which was well within the knowledge of the aforesaid respondents but surprisingly enough, the Respondents no.-1 to 10 (i.e. the petitioners in Lower Court) did not implead the appellant as party in the said Misc. Case No. 25/2012-13. The learned court below has passed the impugned order without hearing the appellants, which is violation of the cardinal principle of natural justice.</p> <p>Inspite of repeated call no one appeared on behalf of the respondent to argue this appeal. As per the show-cause submitted by the respondent:-</p> <p>The Land Reforms Deputy Collector Ranchi passed the impugned order on the basis of the order/Judgment dated</p>	

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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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28.02.1989 and 07.08.1989 passed by Shri S. P. Poddar, learned Sub Judge VII Ranchi in the Title Suit No.-144 of 1988/89 and the order/Judgment passed by Shri Mritunjay Mahto the Additional Judicial Commissioner No.-IV, Ranchi on 15.12.2003 in Title Appeal no.-52/1990.

The land appertaining to Plot No.-1311, under R.S. Khata no. 21 admeasuring area 3.34 Acres situated in Mouza- Jorar, Thana No.- 215, P.S.-Namkum, District Ranchi stands recorded as Kaimi in the name of Chituwa Kumhar son of Chigwar Kumhar. After death of recorded tenant Chituwa Kumhar, his legal heir and successors namely Jharia Kumhar & Others inherited the entire land of Khata No.-21 of Village Jorar. They are having peaceful possession over the entire land measuring an area of 8.06 Acres under Khata No.-21 of Village Jorar. Also Jamabandi with respect of aforementioned land in question is running in the name of Jharia Kumhar & others. The appellants were not made party in the Miscellaneous Case No.-25/2012-2013, hence they have no locus standi to file the instant appeal.

The common ancestor of the appellant no.-01 and 02 and respondent no.-11 and 12 namely Kishun Ram, falsely claimed the land on the basis of fake and forged deed dated 12.11.1951 alleged to have been executed by Kalicharan Kumhar. The said Kalicharan Kumhar on the date of alleged execution of the sale deed was in judicial custody. Hence it is apparent that, the said sale deed is forged and fabricated. The said Kishun Ram managed to get his name mutated with respect of the land in question on the basis of aforesaid fake and forged deed.

Heard the appellant. On perusal of materials available on record, I find that, it is admitted by the respondents themselves that the jamabandi with respect of land in question is running in the name of Kishun Mahto, who the ancestor of the present appellants. The appellants are also parties in the aforesaid First Appeal No. 52/1990, which is the basis of the impugned order passed by the learned LRDC in said Misc Case No.-25/2012-13. In spite of the aforesaid fact, the respondent did not impleaded the appellant as party in impugned Misc Case No.-25/2012-13. The learned court below has passed the impugned order without giving the appellant



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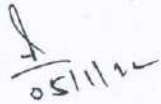
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proper opportunity of being heard.

For the reasons aforementioned, this appeal is allowed. The impugned order passed by the learned court below is hereby set-aside. The matter is remanded back to the learned court below to pass fresh order after giving proper opportunity of being heard to both the parties

Communicate the order to Land Reforms Deputy Collector, Sadar, Ranchi and Circle Officer, Burmu Anchal for information and necessary action.

Dictated & Corrected


05/11/20

Deputy Commissioner
Ranchi


05/11/20
Deputy Commissioner
Ranchi