

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 Deputy Commissioner, Ranchi

SAR Appeal No.- 07 R 15/2017-18

Jagarnath Oraon - Appellants

Vs

Anand Toppo & Other - Respondent

ORDER

Present appeal has been preferred by (1) Jagarnath Oraon Son of Late Bachho Oraon and (2) Manoj Oraon Son of Sri Budhram Oraon, Both Resident of Pokhartoli, Hundru, P.S. Doranda, District Ranchi against the respondents (1) Anand Toppo Son of Late Etwā Toppo and (2) Priya Toppo Son of Late Birsa Toppo Both Resident of Village Hundru, P.S. Doranda, District Ranchi on being aggrieved by and dissatisfied with order dated 06.02.2016 passed by the Learned Special Officer, Scheduled Area Regulation, Ranchi in SAR Case No.-55/2015-16, wherein and whereunder the Learned Special Officer restored the land under Khata No.-104, Plot No.-917 area 10 Decimals of Village Hundru, P.S. No.-224, District Ranchi in favour of the present respondent.

According to the Learned Advocate appearing on

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2.2.18

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behalf of the appellant, the appellant is the legal heir and successor of the recorded tenant Putia Oraon, whose name stands recorded in the R.S. Record of Right prepared for land under Khata No.-103 and 104 of Village Hundru. The said Putia Oraon died leaving behind his five sons namely Etwā Oraon, Bandhu Oraon @ Bucchu Oraon, Arun Oraon, Priya Oraon and Bandhu Oraon and amongst the aforesaid sons of said recorded tenant Putia Oraon, the aforesaid Arjun Oraon and Priya Oraon died issueless, while the said Bandhu Oraon died leaving behind his two sons namely Mangal Oraon and Bacho Oraon @ Bacchu Oraon, the father of the present appellant. At present rent with respect of land in question is been realized in the name Etwā Oraon, Bandhu Oraon, Arjun Oraon, Priya Oraon and Bandhu Oraon. The respondent after suppressing the aforesaid genealogy has managed to obtain the impugned ex-parte order against the present appellant.

It is also submitted on behalf of the appellant that, they have purchased the land under Khata No.-104, Plot No.-917 measuring an area of 23 Decimals of Village Hundru by virtue of registered deed of sale bearing Deed No.-679/603 dated 22.05.2014 from one of the co-sharer of

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the land in question namely Budhram Kachhap Son of Bacho Oraon after taking permission U/s 46 of the CNT Act vide Permission Case No.-4037 R 8 II/11-12 from the RSDC. Ranchi.

Further it is submitted that the appellant, they are also one of the legal heirs and successors of the recorded tenant and are one of the co-sharers of the land in question, so the impugned proceeding initiated against them is not maintainable and moreover since there is no violation of the provisions laid U/s 46 of the CNT Act, the learned courts below has erroneously restored the land in question in favour of the respondents.

On the other hand according to the Learned Advocate appearing on behalf of the respondent, the impugned order passed by the Learned Special Officer, Ranchi is totally legal and is not liable to the set-aside. The Respondent being the legal heirs and successors of the recorded tenant Patiya Oraon preferred a petition U/s 71A of the CNT Act against (1) Boka Kachhap @ Butran, (2) Jagarnath Kachhap, (3) Kandana Kachhap @ Anand All Sons of Late Bachho Oraon and the learned courts below after considering the facts and law has rightly allowed the

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petition for restoration filed by the present respondent against the appellant.

Further, it is submitted that the land in question was fraudulently acquired by the appellant in violation of Section 46 of the CNT Act. The appellants or their predecessor in interest are not the heirs and successors of the recorded tenant. Infact the recorded tenant Patia Oraon died leaving behind his three sons namely Etwā Oraon, Birsa Toppo and Bandhu Toppo, the respondent no.-1 Anand Toppo @ Chengre is the son of said Etwā Toppo, while respondent no.-2 Priya Toppo is the son of said Birsa Toppo. The appellant have got no concern with the genealogy of the recorded tenant Patia Oraon and they have fraudulently dispossessed the respondents from the land in question.

Having heard both the parties, I find that, both the parties claim themselves to be the legal heir and successor of the recorded tenant, hence before arriving into any just conclusion it is necessary to ascertain the real genealogical table of the recorded tenant and find out who actually is the real legal heir and successor of the recorded tenant Patia Oraon. Hence for the reasons aforementioned, the

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impugned order passed by the learned court below is hereby set-aside and the matter is remanded back to the learned court below to pass afresh order in the light of discussions made hereinabove after giving proper opportunity to both the parties preferably within 6 months from passing of the instant order.

Communicate the order to the Special Officer, Schedule Area Regulation, Ranchi for information and necessary action. Order could not be passed earlier due to other pressing engagements.

Dictated & Corrected

2/2/18
Deputy Commissioner
Ranchi

2/2/18
Deputy Commissioner
Ranchi