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केस का सं०  
और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

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

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IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI

MUTATION REVISION CASE NO.- 6 R 15/2017-18

29.01.2021

1- Ram Babu Singh

2- Radhe Shyam Singh

3- Surendra Singh

4- Harihar Singh

5- Krishna Singh

All Sons of Late Kapildeo Singh

R/o Village Bandhgari, P.S. – Sadar, District Ranchi

..... Petitioners

-Versus-

State of Jharkhand

Through the Circle Officer, Kanke Anchal, Ranchi

..... Respondent

ORDER

Present revision has been preferred against the order dated 13.01.2017 passed by the Learned Sub-Divisional Officer, Sadar, Ranchi in Mutation Appeal No.-54 R 15/2015-16, wherein and whereunder the Learned DCLR, Sadar, Ranchi remanded Mutation Case No.-2770 R 27/2014-15 to the Learned Circle Officer, Kanke Anchal, Ranchi for passing fresh

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order after making intensive enquiry upon the matter.

According to the Learned Advocate appearing on behalf of the Petitioners, the land under Khata No.-40, Plot No.-867 area 1.18 Acres and Plot No.-868 area 0.05 Acre i.e. measuring total area of 1.23 Acres of Village Khatanga, Thana No.-179, P.S. Sadar, District Ranchi has been purchased by the petitioners vide registered deed of sale bearing Sale Deed No.-13239 dated 04.12.2002 from the Shiv Lakhan Lohar and Others. The petitioner after purchasing the aforementioned land are exercising peaceful possession over the land in question. The petitioners thereafter preferred Mutation Case No.-2770 R 27/2014-15 before the Circle Officer, Kanke Anchal, wherein and whereunder the Learned Circle Officer Kanke Anchal vide order dated 06.07.2015 dismissed the aforesaid Mutation Case No.-2770 R 27/2014-15 after holding that as per the report of the Halka Karamchari, the petitioners are not exercising possession over the land in question. The petitioners against the aforesaid order passed in Mutation Case No.-2770 R 27/2014-15 preferred the impugned appeal before the Learned DCLR, Sadar, Ranchi, which was later on transferred to the court of Learned Sub-Divisional Officer, Ranchi for final disposal.

The Learned Sub-Divisional Officer, Sadar, Ranchi during pendency of the appeal called for a report upon the matter

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from the Circle Officer, Kanke Anchal, Ranchi, who vide Letter No.-1394 (ii) dated 23.12.2016 reported that (मूल पंजी II में जमाबंदी रैयत के नाम रकबा शून्य है, जिसके कारण नामान्तरण करना संभव नहीं है।) mutation of land in question is not possible, as the area of land in the original Register II running in the name of Jamabandi raiyat/ Parasnath Lohar and Others is "NIL".

The report submitted by the Halka Karamchari is totally misleading and wrong, because on one hand, he says that the factum of possession of the petitioner over the land in question is not clear, while on the other hand, he says that the area of land in Register II is NIL. The petitioner is a bonafide purchaser and is exercising possession over the land in question. The learned courts below on the basis of fake and bogus report has deprived the petitioners from their valid right of mutation.

On the other hand according to the Learned Government Pleader appearing on behalf of the State:

Mutation of the land in question is not possible, as there is no land left in the original Register II running in the name of the predecessor in interest of the vendor of the petitioner namely Paras Nath Lohar and Others for mutating the same in favour of the petitioner. Since two different reports have been submitted upon the matter by the Learned Circle Officer, Kanke Anchal, the Learned Courts below has rightly remanded

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the matter back to the Circle Officer to pass afresh order after making intensive enquiry upon the matter.

Heard both the parties. On perusal of materials available on record, I do not find any infirmity in the impugned order passed by the Learned Sub-Divisional Officer, Sadar, Ranchi remanding the Mutation Case No.-2770 R 27/2014-15 to the Learned Circle Officer, Kanke Anchal, Ranchi for passing fresh order after making intensive enquiry upon the matter.


Hence this appeal is dismissed. The impugned order dated 13.01.2017 passed by the Learned Sub-Divisional Officer, Sadar, Ranchi in Mutation Appeal No.-54 R 15/2015-16 is hereby upheld.

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

Dictated & Corrected



Deputy Commissioner  
Ranchi

  
 Deputy Commissioner  
Ranchi

order  
communicated to  
L.R.O.c sadar  
Ranchi for  
information and  
necessary action  
vide Memo No 409/17  
dated 18.2.21  
kw  
18.2.21