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क्रमांक और तारीख	आदेश और अधिकारी 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 No.-33 R 15/2017-18

Smt Rekha Devi Wife of Sanjay Kumar
R/o Vikash Public School, Vikas Nagar
P.O. Pundag, P.S Jagarnathpur, District Ranchi ...Petitioner
-Versus-

- 1) State ...Opp. Party
- 2) Ashutosh Bhagat Son of Late Ram Tahal Bhagat
Resident of Village & P.S. Khunti, District Khunti ...Intervener

WITH

Mutation Revision No.-34 R 15/2017-18

33
22-6-20 Smt Rekha Devi Wife of Sanjay Kumar
R/o Vikash Public School, Vikas Nagar
P.O. Pundag, P.S Jagarnathpur, District Ranchi ...Petitioner
-Versus-

- 1) State ...Opp. Party
- 2) Ashutosh Bhagat Son of Late Ram Tahal Bhagat
Resident of Village & P.S. Khunti, District Khunti ...Intervener

AND

Mutation Revision No.-35 R 15/2017-18

Kripal Chourasia Son of Late Ramdei Chourasia
R/o Vikash Public School, Vikas Nagar
P.O. Pundag, P.S Jagarnathpur, District RanchiPetitioner
-Versus-

- 1) State ...Opp. Party
- 2) Ashutosh Bhagat Son of Late Ram Tahal Bhagat
Resident of Village & P.S. Khunti, District Khunti ...Intervener

AND

Mutation Revision No.-36 R 15/2017-18

Sanjay Kumar Son of Sri Kripal Prasad Chourasia
R/o Vikash Public School, Vikas Nagar
P.O. Pundag, P.S Jagarnathpur, District Ranchi ...Petitioner
-Versus-

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और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

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

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1) State

---Opp. Party

2) Ashutosh Bhagat Son of Late Ram Tahal Bhagat
Resident of Village & P.S. Khunti, District Khunti

---Intervener

ORDER

The aforesaid Mutation Revision No.-33 R 15/2017-18 has been preferred against the order dated 17.08.2017 passed by the Learned DCLR, Bundu in Mutation Appeal No.-1 of 2016-17, wherein and whereunder the learned DCLR, Bundu vide impugned order dated 17.08.2017 dismissed the aforesaid appeal after upholding the order passed by the Learned Circle Officer Sonahatu in Mutation Case No.-57 R 27/2016-17, whereby the learned Circle Officer rejected the mutation preferred by the present petitioner with respect of land under Khata No.-169, Plot No.-1471 area 1 Acre of Village Sonahatu after referring that jamabandi with respect of land is not running in the name of the vendor of the petitioner and pendency of complaint Case No.-839 of 2016 upon the matter.

The aforesaid Mutation Revision No.-34 R 15/2017-18 has been preferred against the order dated 17.08.2017 passed by the Learned DCLR, Bundu in Mutation Appeal No.-4 of 2016-17, wherein and whereunder the learned DCLR, Bundu vide impugned order dated 17.08.2017 dismissed the aforesaid appeal after upholding the order passed by the Learned Circle Officer Sonahatu in Mutation Case No.-54 R 27/2016-17, whereby the learned Circle Officer rejected the mutation preferred by the present petitioner with respect of land under Khata No.-169, Plot No.-1471 area 1 Acre 89 Decimals of Village Sonahatu after referring that jamabandi with respect of land is not running in the name of the vendor of the petitioner and pendency of complaint Case No.-839 of 2016 upon the matter.

The aforesaid Mutation Revision No.-35 R 15/2017-18 has been preferred against the order dated 17.08.2017 passed by the

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क्रमांक तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में दिनांक, तारीख के साथ
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Learned DCLR, Bundu in Mutation Appeal No.-3 of 2016-17, wherein and whereunder the learned DCLR, Bundu vide impugned order dated 17.08.2017 dismissed the aforesaid appeal after upholding the order passed by the Learned Circle Officer Sonahatu in Mutation Case No.-53 R 27/2016-17, whereby the learned Circle Officer rejected the mutation preferred by the present petitioner with respect of land under Khata No.-169, Plot No.-1471 area 2 Acre of Village Sonahatu after referring that jamabandi with respect of land is not running in the name of the vendor of the petitioner and pendency of complaint Case No.-839 of 2016 upon the matter.

The aforesaid Mutation Revision No.-36 R 15/2017-18 has been preferred against the order dated 17.08.2017 passed by the Learned DCLR, Bundu in Mutation Appeal No.-2 of 2016-17, wherein and whereunder the learned DCLR, Bundu vide impugned order dated 17.08.2017 dismissed the aforesaid appeal after upholding the order passed by the Learned Circle Officer Sonahatu in Mutation Case No.-52 R 27/2016-17, whereby the learned Circle Officer rejected the mutation preferred by the present petitioner with respect of land under Khata No.-169, Plot No.-1471 area 1 Acre 47 Decimals of Village Sonahatu after referring that jamabandi with respect of land is not running in the name of the vendor of the petitioner and pendency of complaint Case No.-839 of 2016 upon the matter.

On the basis of opinion submitted by the learned Government Pleader, Ranchi the aforesaid revisions were admitted.

Since the fact in all the above four revision and the point involved therein are the same and as such all the aforesaid revisions were heard analogously and a common order is being passed upon the matter.

According to the learned Advocate appearing on behalf of

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

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the petitioner, the disputed lands were acquired by Saraswati Devi wife of Late Ramu Bhagat by virtue of registered deed of sale registered before the District S... Registrar, Ranchi and entered in Book No. 1, volume no. 34, pages 526 to 528 being deed no. 5428 for the year 1952 and Saraswati Devi came into peaceful possession since the date of purchase and remained in possession so long alive and after her death her only son Gopal Chandra Bhagat inherited the same and came into possession and remained possession so long alive and after his death his son Kanderp Nath Bhagat and his daughter Jyoti Devi Verma inherited the lands and came into possession thereof. The said Kanderp Nath Bhagat died issueless and as such Jyoti Devi Verma became absolute owner of the entire land.

Further according to the Learned Advocate, Smt. Jyoti Devi Verma through her constituted attorney Santosh Kumar Jaiswal sold the lands to the petitioners of all the above four revision through four separate registered deeds of sale and the petitioners are coming in peaceful possession of the lands purchased by them.

Further as per the Learned Advocate, it has been held by the Hon'ble Supreme Court in the judgment reported in 2 Supreme Court Cases 727 and 2009 (3) Supreme Today 460 that a registered document carries with it a presumption that it was validly executed and it is for the parties challenging the genuineness of the transaction to show that the transaction is not valid in law – a registered sale deed carries a presumption of the genuineness of the transaction.

Further according to the Learned Advocate, in case of mutation possession is the cardinal factor and the petitioners are in peaceful possession of the respective lands purchased by them and as such they were fully entitled to mutation of their names. The Hon'ble Supreme Court in its verdict reported in (2003) 10 Supreme Court Cases 360 and 2000 (3) PLJR 836 has held that, for deciding

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और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

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के बारे में दिखानी तारीख
के साथ

the case of mutation possession is required to be seen:

Also it has been averred by the Learned Advocate that, the prayer for mutation of names have been rejected on this ground that the name of the vendor Smt. Jyoti Devi does not find place in Register II and a complaint being Complaint Case No. 839 of 2016 has been filed by Aasutosh Bhagat. The rent receipts granted by the State in the name of Kanderp Nath Bhagat, who was admittedly full blood brother of the said Smt. Jyoti Devi Verma and as such even if the name of Smt. Jyoti Devi Verma did not find place in Register II, the same should not be the ground for rejecting the prayer of the petitioners

On the other hand according to the W/A submitted by the objector (tagged in Mutation Revision 33 R 15/2017-18), the land in question under Khata No. -169 and 375 stands recorded in the R.S. Record of Right in the name of Vishwanath Bhagat, who executed a registered Will in the year 1936 in favour of Ram Thahal Bhagat and Bisheshwar Bhagat. The land belonging to Ram Thahal Bhagat and Bisheshwar Bhagat was joint and was never partitioned, however the son of Bisheshwar Bhagat transferred 24.48 Acres of land in favour of Sarswati Devi, but he never put her in possession over the same. During the year 1986 till 1997 several cases were instituted with respect of land in question and during the aforesaid period, the grandson of said Sarswati Devi got his name mutated with respect of land in the year 1990-91 behind the back of the objector. The vendor of the petitioner namely Jyoti Devi has been married in the year 1950-51 and being married daughter she has got no share upon the land in question and since during pendency of case, the said Jyoti Prabha transferred the land in question, hence a case U/s 420 Cr.P.C. has been lodged against her, which is still pending.

The arguments made by the petitioners and the facts and evidence produced before this court, make a defensible case in their favour. It is settled law that a mutating authority has no jurisdiction to decide complicated question of right, title or interest

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आदेश और पदाधिकारी का हस्ताक्षर

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over the land in question and so the plea of the objector challenging the sale deed has no legs to stand. A registered sale deed carries a presumption of the genuineness of the transaction and so this court accepts the claim of the petitioners that they have purchased the land in question from the legal heirs and successors of the jamabadi raiyat.

Hence for the reasons aforementioned this revision is allowed and the impugned orders passed by the learned DCLR, Bundu and Circle Officer Sonahatu is hereby set-aside and the Circle Officer Sonahatu Anchal is directed to mutated the name of the petitioners of the instant revision. Order could not be passed earlier due to busy in other important assignments.

Communicate this order to the DCLR, Bundu and Circle Officer Sonahatu Anchal for information and needful.

Dictated and corrected by me

Deputy Commissioner
Ranchi

Deputy Commissioner
Ranchi

order
communicated to
L.R. & Bundu
alongwith L.C.
received in 01/10/17
MA exhibit and
in 02/10/17 for
information and
in vide memo
639 (U) dt. 22.7.20
02.07.20