

केस का सं०
ओर 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

Fraudulent Registration Case No.-14/2017-18

Sanjay Kumar Gupta Complainant

-Versus-

Balram Sahu & Others Opp. Parties

ORDER

11.03.20 Present proceeding has been initiated upon the complaint petition preferred by Sri Sanjay Kumar Gupta Son of Late Kishori Sahu, Resident of Upper Hatia, P.S. Jagarnathpur, District Ranchi with a prayer to initiate a proceeding U/s 82 & 83 of the Registration Act for annulment of (1) Sale Deed No.-7018 dated 29.06.2014 in favour of Smt Taramani Devi, (2) Sale Deed No.-8881 dated 26.07.2004 in favour of Smt Taramani Devi, (3) Sale Deed No.-12899 dated 12.10.2004 in favour of Gopal Kumar Singh, (4) 12900 dated 12.10.2004 in favour of Gopal Kumar Singh, (5) Sale Deed No.-12901 dated 12.10.2004 in favour of Smt Renu Rai, (6) Sale Deed No.-15115 dated 22.12.2004 in favour of Smt Ahilya Devi, (7) Sale Deed No.-15116 dated 22.12.2004 in favour of Madhu Sudha Rai, (8) Sale Deed No.-15117 dated 22.12.2004 in favour of Virendra Kumar Singh, (9) Sale Deed No.-1318 dated 30.01.2006 in favour of Smt Sandhya Devi, (10) Sale Deed No.-7660 dated 26.05.2006 in favour of Smt Shanti Devi, (11) Sale Deed No.-7661 dated 26.05.2006 in favour of Smt Indu Devi and (12) Sale Deed No.-9735 dated 03.07.2006 in favour of Smt Sangeeta Devi fraudulently executed by Balram Sahu Son of Late Bhaglu Sahu Resident of Village Upper Hatia, Teli Tola, P.S. Jagarnathpur, District Ranchi on the basis of Power of Attorney bearing Book No.-IV, Deed No.-620 of the year 1999 executed by the father of the complainant namely Kishori Sahu.

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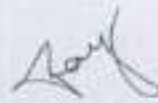
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According to the Learned Advocate appearing on behalf of the complainant, the land under Khata No.-209, Plot No.-1549 area 41 decimals of Village Hatia, Thana No.-248, P.S. Jagarnathpur, District Ranchi is the ancestral property of the complainant. Ramgati Sahu, the grandfather of the complainant purchased the aforementioned land from the recorded tenant Suraj Nath Sahu through registered deed of sale bearing Sale Deed No.-1368 of the year 1939 and in an amicable family arrangement, the aforementioned property was allotted in the share of Kishori Sahu, the father of the complainant, who in the year 1999 constituted and appointed Balram Sahu Son of Bhaglu Sahu Resident of Village Upper Hatia, Teli Tola, District Ranchi as his attorney with respect of the aforementioned land by executing a registered deed of Power of Attorney bearing Deed No.-9077/IV-620, but lateron Kishori Sahu discovered that the attorney Balram Sahu has transferred 10 decimals out of land under Khata-No.-209, Plot No.-1549 of Village Hatia in favour of his wife vide Deed No.-338 of the year 2002 without informing him, hence the aforesaid Kishori Sahu, the father of the complainant revoked the aforementioned power of attorney granted to Balram Sahu vide Deed No.500 of 2002 ad also informed about the same to all concern including Balram Sahu by publishing a general notice in daily newspaper, but inspite of fact that the power of attorney granted to Balram Sahu was revoked by the aforesaid Kishori Sahu, the father of the complainant, the said Balram Sahu fraudulently and without informing the said Kishori Sahu executed sale deeds with respect of aforementioned land in question i.e. (1) Sale Deed No.-7018 dated 29.06.2014 in favour of Smt Taramani Devi, (2) Sale Deed No.-8881 dated 26.07.2004 in favour of Smt Taramani Devi, (3) Sale Deed No.-12899 dated 12.10.2004 in favour of Gopal Kumar Singh, (4) 12900 dated 12.10.2004 in favour of Gopal Kumar Singh, (5) Sale Deed No.-12901 dated 12.10.2004 in

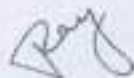


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favour of Smt Renu Rai, (6) Sale Deed No.-15115 dated 22.12.2004 in favour of Smt Ahilya Devi, (7) Sale Deed No.-15116 dated 22.12.2004 in favour of Madhu Sudha Rai, (8) Sale Deed No.-15117 dated 22.12.2004 in favour of Virendra Kumar Singh, (9) Sale Deed No.-1318 dated 30.01.2006 in favour of Smt Sandhya Devi, (10) Sale Deed No.-7660 dated 26.05.2006 in favour of Smt Shanti Devi, (11) Sale Deed No.-7661 dated 26.05.2006 in favour of Smt Indu Devi and (12) Sale Deed No.-9735 dated 03.07.2006 in favour of Smt Sangeeta Devi after 2 to 4 years of the revocation of the power of attorney.

Further according to the complainant, his father Kishori Sahu has no knowledge about the aforesaid transactions and exercised peaceful possession over the same till his life time. He neither gave possession of the land to anyone nor has received any consideration amount and after his death the complainant and his co-sharer came in peaceful possession over the aforementioned land. The complainant for the first time came to know about the execution of the sale deed on June 2013, when the Opp. parties on the basis of aforesaid void and sham sale deed started claiming the land in question. The complainant after getting knowledge about the same enquired into the matter and came to know about the fraudulent execution of the aforementioned sale deeds on the basis of power of attorney granted to aforesaid Bairam Sahu, which was already revoked in the year 2002.

On the other hand, according to the learned Advocate appearing on behalf of the Opp. Party Bairam Sahu, the landowner Kishori Sahu entered into an agreement for sale with Bairam Sahu on 21.01.1997 with respect of aforementioned land in question for a valuable consideration of Rs.800/- Per Decimals and out of the aforesaid agreed amount he paid Kishori Sahu a sum of Rs.15,000/- as advance at the time of agreement and subsequently thereafter paid



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the entire consideration amount of Rs.70,000/- in several installment and accordingly the said Kishori Sahu handed over the possession of the land in question to the Opp. Party Balram Sahu and also executed a registered power of attorney bearing no.-9077/IV-620 and appointed the Opp. Party Balram Sahu as his constituted attorney for dealing the property in any manner as per his discretion, but on 17.04.2002, the said Kishori Sahu mischievously revoke the said power of attorney granted to the Opp. Party, which was not at all within the knowledge of Balram Sahu, otherwise he would have applied for decree of specific performance of contract in pursuance of the said agreement dated 21.01.1997.

Further according to the learned Advocate, the sale deed with respect of land in question has been executed from 2004 till 2006 and all the purchasers have already acquired possession over the land in question and also they have got their names mutated in the sirista of State and are paying rent with the State till date. Although the said Kishori Sahu was alive till the year 2011, but never raised any objection against the execution of the sale deeds and after his death, his son Sanjay Kumar Gupta with a malafide intention has lodged a false case against the Opp. Parties and since the present case involved complicated question of title, which cannot be adjudicated by his forum and the matter should be referred to competent Civil Court.

Further according to the Learned Advocate, in the instant matter the City SP, Ranchi in the supervision report made in criminal case lodged against the Opp. Parties being Jagarnathpur PS Case No.-184/2017 dated 11.06.2017 registered U/s 406/420/467/468/471/120B of IPC has held that criminal case in the instant matter was not maintainable, as the matter relates to civil nature, but inspite of the aforesaid fact, the District Sub-Registrar, Ranchi on an application made by the complainant Sanjay Kumar Gupta without



केस की सं० ३ और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ
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going through the pros and cons of the legality involved in the case at hand has casually opined that the sale deeds were fraudulently executed and has recommended for cancellation of the same. The District Sub-Registrar proceeded superficially only terming the sale deed as fraudulent, but the matter needs to be disposed of by directing applicant/complainant to take resort of the competent civil court.

According to the Learned Advocate appearing on behalf of Opp. Party No.- 3 to 13, the instant matter does not come within the preview of fraudulent transactions under the registration Act, as the land owner namely Kishori Sahu has duly appointed the Balram Sahu as his constituted agent and attorney by executing a forever nature registered General Power of Attorney being Deed No. 9077/IV-620 to perform the acts and deeds as Power mentioned in said Power of Attorney dated 24.12,1999. The answering opposite party has not committed any fraud either upon the complainant or upon his father Kishori Sahu now deceased who was land owner of the landed property bearing Khata No. 209, Plot No. 1549 and 1550, Area 88 Decimal of Village Hatia, Thana No. 228, Ranchi.

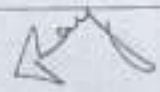
Further it is submitted by the Learned Advocate that, it is admitted that under the family partition the above said landed property was allotted to Kishori Sahu with peaceful possession of the same as owner thereof. That the said Kishori Sahu for legal necessity and other requirement offered to sale the above land to the Balram Sahu at the rate of Rs. 850/- (Rupees Eight Hundred Fifty) only per decimals and the said Balram Sahu agreed to purchase the above land at the rate fixed by the said land owner Kishori Sahu. In pursuant whereof an agreement for sale was prepared and executed on 24.12.1999 in between said Kishori Sahu and Balram Sahu, and after receiving entire consideration amount of Rs. 75,000/- from the

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purchaser Balram Sahu being the price of the said land. The said Kishori Sahu duly acknowledge to have received the entire consideration amount of Rs. 75000/- from said Balram Sahu and also put him in peaceful possession over the said land. After receiving the entire consideration amount from purchaser Balram Sahu, the said Kishori Sahu on the same day i.e. on 24.12.1999 executed a registered Power of Attorney in favour of said Balram Sahu, the purchaser under said Agreement dated 24.12.1999 being Deed No. 9077/620 which was entered in Book No. IV of the office of the District Sub Registrar, Ranchi wherein Sanjay Kumar Gupta (Complainant of present proceeding) the son of said Kishori Sahu as witness put his signature over said Power of Attorney to avoid any dispute of the same whereby the said Kishori Sahu constitute and appointed the said Balram Sahu as his attorney and agent empowering him to look after and manage the above said landed property and to enter into an agreement for sale, to sell the above property in the name of any intended/prospective purchaser/purchasers and also empowered him to receive money from them and to execute and register deed of sale in favour of prospective/intended purchaser and to present the same for registration before the registering authority and to admit execution thereof.

Further according the learned Advocate, the aforesaid Power of Attorney being No. 9077/IV-620 dated 24.12.1999 is an irrevocable Power of Attorney and on the basis of aforesaid Power of Attorney, the said Balram Sahu being the constituted attorney and agent of the said Kishori Sahu legally and validly by virtue of the twelve separate registered deeds of sale which is mentioned in the Letter No. 1084 dated 22.12.2017 of DSR Ranchi has sold and transferred the aforesaid land on different dates in between the year 2004 to 2006 to the opposite parties and put them peaceful possession of the same,



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which is within the knowledge of all concerned including Kishori Sahu and his son Sanjay Kumar Gupta, the complainant of the present case/proceeding. All the purchasers after purchased came in peaceful possession in their respective portion of land and also mutated their names in the office of Circle Office, Namkum, Ranchi and paying rent thereto regularly to the C.O. Namkum Ranchi and also develop the said land by constructed residential house and residing therein with their family members to the knowledge of all concern including the complainant. The complainant or his father Kishori Sahu never raised any objection to the peaceful possession of answering opposite parties of this proceeding.

Further according to the learned Advocate that, prior to revocation of Power of Attorney dated 17.04.2002 as alleged by the complainant no notice whatsoever was given to the Balram Sahu by Kishori Sahu, which is necessary and mandatory under the law and therefore the said Power Holder Balram Sahu have no knowledge to revocation of Power of Attorney and is against the law and the same has not been acceptable under the law as the requirement necessarily required under the law has not been fulfilled by the said Kishori Sahu who also received the entire consideration amount of the land in dispute under the said Agreement dated 24.12.1999. Therefore no question arises at all for revocation of said Power of Attorney dated 24.12.1999. In this context, according to the Hon'ble High Court in its verdict reported in JLR 2009 (2) Page No.58 to 64 has held that irrevocable power of attorney which executed after taking full consideration amount cannot be revoked and after the death of Kishori Sahu, the complainant being his son with malafide intention and for illegal gain and to harassment opposite party have initiated several false proceeding against the opposite party, Viz. proceeding under Section 144 Cr.P.C. vide Case No. M-1302/2015 in the Court of S.D.M. Sadar,

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Ranchi which was dropped in favour of opposite party and others, Misc. Case no. 25 to 36/2013-14 before the Learned Court of L.R.D.C. Ranchi for cancellation of the mutation, which was dismissed by the Learned LRDC vide order dated 28.11.2016 after holding that the matter involves determination of right, title ad interest, this court have got no jurisdiction to decide the same and Jagarnathpur PS Case No.-184/2017 dated 11.06.2017 registered U/s 406/420 /467/468 /471/1208 of IPC, wherein and whereunder the City SP, Ranchi in the supervision report has held that criminal case in the instant matter was not maintainable and the entire allegation made by the complainant are absolutely wrong false and without any basis having no reliable evidence and therefore the present case is liable to be dismissed

Perused the record submitted by the District Sub-Registrar, Ranchi submitted vide Letter No.-1084 dated 27.12.2017. The District Sub-Registrar, Ranchi has also recommended for initiation of proceeding U/s 82 and 83 of the Registration Act for annulment of aforementioned sale deeds in the light of direction contained in Departmental Memo No.-930 dated 21.09.2016

Having heard all the parties and on perusal of material available on record, I find that, it is settled law that the authority has got jurisdiction to initiate a proceeding U/s 82 & 83 of the Registration Act, if the executants of the deed make false statements, delivers false copy or translation to the registering authority or in case of impersonation and abetment and since the instant matter, the Opp. Party No.-1 Balram Sahu on the basis power of attorney already revoked by the landlord, has fraudulently executed the aforesaid sale deeds in favour of Opp. Parties No.- 3 to 12, hence, as per the recommendation made by the District Sub-Registrar, Ranchi vide Letter No.-1084 dated 27.12.2018, let the (1) Sale Deed No.-7018

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dated 29.06.2014 in favour of Smt Taramani Devi, (2) Sale Deed No.-8881 dated 26.07.2004 in favour of Smt Taramani Devi, (3) Sale Deed No.-12899 dated 12.10.2004 in favour of Gopal Kumar Singh, (4) 12900 dated 12.10.2004 in favour of Gopal Kumar Singh, (5) Sale Deed No.-12901 dated 12.10.2004 in favour of Smt Renu Rai, (6) Sale Deed No.-15115 dated 22.12.2004 in favour of Smt Ahilya Devi, (7) Sale Deed No.-15116 dated 22.12.2004 in favour of Madhu Sudha Rai, (8) Sale Deed No.-15117 dated 22.12.2004 in favour of Virendra Kumar Singh, (9) Sale Deed No.-1318 dated 30.01.2006 in favour of Smt Sandhya Devi, (10) Sale Deed No.-7660 dated 26.05.2006 in favour of Smt Shanti Devi, (11) Sale Deed No.-7661 dated 26.05.2006 in favour of Smt Indu Devi and (12) Sale Deed No.-9735 dated 03.07.2006 in favour of Smt Sangeeta Devi be annulled and the District Sub-Registrar, Ranchi is directed to lodge FIR against the delinquents and enter the aforesaid direction issued vide the instant order in Index II as provided in Circular issued by the Department of revenue, Registration and Land Reforms, Government of Jharkhand vide Memo No-930 dated-21.09.2016

Communicate this order to District Sub-Registrar, Ranchi for information and needful.

Dictated and corrected by me

Deputy Commissioner

Ranchi

Deputy Commissioner
Ranchi

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RDBA