

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

Misc Appeal No.-19 R 15/17-18

08.02.2021

1- Krishna Chandra Manjhi Son of Late Haridas Manjhi
2- Abhishek Kumar
3- Vinay Kumar,
Both Sons of Late Suresh Chandra Manjhi,
Residents of Village - Pangura, P.S. Bundu, P.O. Baredih,
District-Ranchi Appellants

- Versus -

1. Ram Das Manjhi
2. Shri Gorang Manjhi
3. Uma Kant Manjhi
All Sons of Late Hari Das Manjhi
Resident of Hari Niwas, Near Nucleus Mall, East Gali Road, Nagra
Toli, P.S. Lalpur, District-Ranchi
4. Bisheshwar Manjhi Son of Late Nityanand Manjhi,
R/o Village-Pangura, P.O. Baredih, P.S. Bundu, District-Ranchi
5. Madan Manjhi
6. Dalgovind Manjhi,
Both Sons of Late Nityanand Manjhi,
Both Resident of Ganpat Nagar, Chutia, P.S. Chutia, District-Ranch
7. Ras Bihari Manjhi Son of Late Nityanand Manjhi
Resident of Village-Tunju, Tola – Baredih, P.O. Baredih, P.S. Bundu,
District-Ranchi
8. Dineshwar Manjhi Son of Late Nityanand Manjhi,
Resident of Ganpat Nagar, Chutia, P.O. & P.S. Chutia,
District-Ranchi
9. Sunil Kumar Manjhi Son of Late Nityanand Manjhi,
Resident of 17, Peace Road, P.O. + P.S. Lalpur, District-Ranchi
10. Bashistha Manjhi
11. Rajendra Manjhi,
Both Sons of Late Braj Kishore Manjhi,



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Resident of Manjhi Toll, P.O. + P.S. Bundu, District-Ranchi
 12. Shankar Manjhi Son of Late Braj Kishore Manjhi,
 Resident of Village - Pangura, P.O. Baredih, P.S. Bundu,
 District-Ranchi
 13. Hare Krishna Manjhi
 14. Pradeep Manjhi
 Both Son of Braj Kishore Manjhi,
 Resident of Manjhi Tola, P.O. + P.S. Bundu, District Ranchi
 15. Raj Kishore Manjhi
 16. Gopal Manjhi
 Both Sons of Late Rajni Kant Manjhi
 17. Ramesh Chandra Manjhi
 18. Vijay Kumar Manjhi
 Both Sons of Late Indra Deo Manjhi
 Resident of Village Pangura, P.O. Baredih, P.S. Bundu,
 District Ranchi Respondents

ORDER

The instant appeal has been preferred against the order dated 20.12.2018 passed by the Learned Land Reforms Deputy Collector, Bundu, Ranchi in Misc Case No.-13/2007-08, whereby the learned LRDC, Bundu directed the Circle Officer, Bundu to realize the cess at the enhanced rate of ten time, with respect of land under Khewat No.-3 measuring total area of 1457.72 Acres of Village Korda, Thana No.-83, District Ranchi from vesting of intermediary's right in the State after entering the names of the respondents in the Register II.

Heard the Learned Advocate appearing on behalf of the appellants:-

The land situated at Village Korda, Thana No.-83, P.S. Bundu, District Ranchi under Khewat No.-3, appertaining to Khata No.-102 area 1457.72 Acres stands recorded in the Revisional Survey Record of Right in the names of Haridas Manjhi Son of Sidam Manjhi and Digam Manjhi Son of Kisto



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Manjhi, by Caste-Sarawak, residents of Pangura having equal share.

Haridas Manjhi Son of the recorded Khewatdar died leaving behind five sons namely Ramdas Manjhi, Gaurang Manjhi, Umakant Manjhi (respondent nos. 1 to 3) Krishna Chandra Manjhi (Appellant No.1) and Suresh Chandra Manjhi, out of them Suresh Chandra Manjhi died leaving behind Abhishek Kumar and Binay Kumar (Appellant Nos.-2 and 3) as his legal heirs and successors. The aforementioned legal heirs and successors of the recorded khewatdar are in peaceful joint possession of the aforesaid land of Khewat No.3 under Khata no.102 area 145.72 acres situated at Village Korda, P.S. Bundu, Thana No.83, District - Ranchi.

Another Khewatdar namely Digam Manjhi died leaving behind legal heirs and successors namely Bisheshwar Manjhi and others. The surviving legal heirs of deceased Digam Manjhi are impleaded as respondent nos.4 to 18 in this appeal.

The aforesaid Khewat No.3 of Village-Korda, Thana No.83, P.S. Bundu, District-Ranchi has not been vested in the State and the Khewatdars have still got right, title and interest over the same. Prior to vesting of the estate the cess was being paid to the khewatdar of Khewat No.2 Raja Janki Nath Roy being the superior landlord and after abolition of Jamindari cess is being realized by the State.

The aforesaid lands are still joint. Neither the recorded khewatdars nor their ancestors had or have partitioned the aforesaid lands by metes & bound. The appellants have got undivided share and interest over the aforesaid lands.

Despite the above facts the appellants came to know that the respondents are trying to sell the aforesaid lands to

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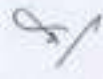
some person without the notice consent, permission and partition of the aforesaid land and the appellants ultimately gave legal notice to the respondents on 28.6.17. In response of the aforesaid legal notice, the respondents sent a reply, from which the appellant came to know about passing of the impugned order dated 31.05.2008

The appellants were very much surprised to know that the respondents with malafide intension and mischievous design by playing fraud upon the learned Court of LRDC, Bundu, Ranchi as well as fraud upon the appellants, have managed to obtain an order from the learned Court of LRDC, Bundu, Ranchi on the basis of wrong and incorrect genealogical table of Haridas Manjhi. The respondents with a malafide intention has not disclosed the names of appellants, who are the sons, legal heirs and successors of the deceased Haridas Manjhi and have also joint right, title, interest, share and possession over the above land. The order passed Misc. Case No.13/2007-08 by the Court of LRDC Bundu, Ranchi is nullity and void in the eye of law being obtained by practicing fraud and misrepresentation.

In reply, according to the Learned Advocate appearing on behalf of the respondents:-

The present Appeal has been filed by suppressing the material facts. The present appeal is not maintainable in view of the fact that the right of the appellant over the property of Late Haridas Manjhi was settled in partition suit no 169/1970. The Appellant claims themselves to be legal heirs of the illegitimate child of Late Haridas Manjhi. In the aforesaid partition suit the right of the appellant was settled and now they cannot raise any further claim over the property that has devolved on the other legal heirs of Late Haridas Manjhi.

The appeal is also not maintainable in the view of the



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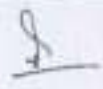
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fact that the appellant has approached learned Civil Court, Ranchi by filing Original Partition suit No 733/2019, pertaining to land situated under Khewat No. 3, measuring total area of 1457.72 Acre situated at Mauza - Korda, P.S.-Bundu, Thana No, 83, District-Ranchi. Since the matter is pending before the court of competent jurisdiction, therefore the appellant cannot be allowed to simultaneously invoke the jurisdiction of revenue court confining the claim only to possession and admitting the fact that the appellants are not in possessions.

The answering respondent has also sold out the property through registered sale deed to M/S Shakambari Builders and M/s Kosi Consultant. The Appellants are trying to raise the issue of right, title and interest over the suit property, which can only be decided by the Civil Court of appropriate jurisdiction.

Having heard both the parties and on perusal of materials available on record, I find that, the purchaser M/s Kosi Consultant Pvt Ltd and M/s Shakambari Builders Pvt Ltd of the aforesaid land in question situated at Village Korda, Thana No.-83, P.S. Bundu, District Ranchi appertaining to Khata No.-102 under Khewat No.-3, measuring an area 1457.72 Acres had preferred mutation revision case no.-11 R 15/2020-21 before this court. In the aforesaid revision vide order dated 15.09.2020 the matter was remanded to the Court of LRDC, Bundu to hear the appeal against the order passed by the Circle Officer in Mutation Case No.-794/2019-20.

In the present appeal, the appellant has claimed that they are the descendants of recorded Khewatdars and the respondents without impleading the appellants have managed to obtain the impugned order from the learned Court of LRDC, Bundu, Ranchi on the basis of wrong and incorrect genealogical table of Haridas Manjhi. Hence for the sake of natural justice, the matter is



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remanded to the learned LRDC, Bundu Ranchi to pass afresh order after amalgamating the case record of the instant matter with the record of mutation appeals preferred by the purchasers M/s Kosi Consultant and M/s Shakambari Builders Pvt. Ltd and giving opportunity of being heard to all the parties.

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

Dictated and Corrected by

Deputy Commissioner,
Ranchi.

Deputy Commissioner,
Ranchi.

order
communicated to
L.R.D.C Bundu
Ranchi alongwith
the record no
MS 18/07-08
(Bam Das Kanti
is state) for
information and
a.n vide
memo no 411/11
dated 12.2.21
by
18.2.21