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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
1	2	3

20.12.2021

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI
Fraudulent Registration Case No.-33 /2017-18

1) Mrinal Kumar Das S/o Late Niranjan Das, Resident of Bank Colony, Kokar, P.S.-Sadar, Dist.-Ranchi, Jharkhand, the power of attorney holder of:-
(i) Sri Jagdish Prasad Singh S/o Late Hardeo Singh,
(ii) Sri Rahul Singh S/o Sri Jagdish Prasad Singh,
(iii) Sri Rohit Singh S/o Sri Jagdish Prasad Singh,
all resident of Village Nadowan, P.S.-Natwar, Dist-Rohtas (Bihar) at present residing at Lake Avenue, Kanke Road (Beside Kerla Ayurved Centre) P.S.-Gonda, Dist-Ranchi Petitioner

Versus

- 1) Smt Geeta Devi W/o Sri Bhutnath Chaudhary R/o Hindpiri, Second Street, Sonar Gali, P.S. Hindpiri, District Ranchi
- 2) Smt. Jageshwari Devi W/o Milan Sao Address R/o Village Chiroudhi, P.S. Bariatu, District Ranchi
- 3) Ram Lakhani Yadav father Shri Tale Yadav R/o Village Chiroudhi, P.S. Bariatu, District Ranchi
- 4) Harbansh Prasad Sinha Son of Late Madan Mohan Prasad R/o Bariatu, P.O. & P.S. Bariatu, District Ranchi Opp. Parties

ORDER

Present proceeding U/s 82 and 83 of the Registration Act has been initiated upon an application preferred by the petitioner above named, praying therein to annul the sale deeds being (1) Sale Deed

[Signature]
20/12/21


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No.- 8367 dated 22.07.1992 executed in favour of Opp. Party No.-1 Smt Geeta Devi, (2) Sale Deed No.- 5336 dated 27.05.1991 executed in favour of Opp. Party No.-3 Ram Lakhan Yadav and (3) Sale Deed No.-925 dated 04.02.1999 executed by Opp. Party No.-1 Smt Geeta Devi in favour of Opp. Party No.-2 namely Jageshwari Devi claiming the same to have been executed by the Opp. party No.-4 Harbansh Prasad Sinha on the basis of forged and fabricated power of Attorney no. IV 275 dated 15.7.1991 with respect of land measuring an area of 10 Kathas appertaining to R.S. plot no.- 490 under khata no. 22 situated of Mauza Chiraundi, Thana no. 186 P.S Bariatu, Dist-Ranchi,

According to the Learned Advocate appearing on behalf of the petitioner:-

The land of R.S. plot no.- 490 under khata no. 22 situated of Mauza Chiraundi, Thana no. 186 P.S Bariyatu, Dist-Ranchi (Jharkhand) is recorded as Kaimi in revisional survey records of right in the name of Prayag Ahir son of Dhanu Ahir. Late Pratibha Singh wife of Jagdish Prasad Singh had purchased all that piece and parcel of land measuring an area 10 kathas R.S.- plot no.- 490 under khata no. 22 situated at Mauza Chiraundi, Thana no-186 P.S.-Bariatu, Dist-Ranchi (Jharkhand) from Ramanand Singh by virtue of a registered sale deed being deed no.12615 dated 17.12.1984 registered before the district sub-registrar Ranchi. She has got her name mutated in the office of the Circle Officer, Town anchal, Ranchi vide Mutation Case No. 472 R 27/2001-02. Her name has been entered in Vol II, Page No.-43 of the Register II. After death of Pratibha Singh, her husband Jagdish Prasad Singh and her two sons (1) Rahul Singh & (2) Rohit Singh inherited the aforementioned land in question. They have constituted and appointed the petitioner Mrinal Kumar Das as their lawful attorney, vide Power of Attorney Deed No.-IV 962 dated 04.06.2012.

The Opp. Party No.-4 namely Harbansh Prasad Sinha claiming himself to be the attorney of said Pratibha Singh has fraudulently executed the aforesaid sale deed being Deed No.- 8367 dated 22.07.1992 with respect of 5 Kathas of land being portion of R.S. Plot NO. 490, sub plot no. 490/C-1 under Khata


23/11/24.

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NO. 22 situated at village- Chiraundi, P.S. Bariatu, Thana No. 186 District- Ranchi in favour of Opp. Party No.-1 Smt Geeta Devi and 4 Kathas of land being portion of R.S. Plot NO. 490, sub plot no. 490/C under khata no. 22 of the said village in favour of Opp. Party No.-3 Ram Lakhani Yadav vide Deed No.-5336 dated 27.05.1991 on the basis of forged and fabricated power of Attorney no. IV 275 dated 15.7.1991 and thereafter out of the aforesaid transactions, the Opp. Party No.-1 Smt Geeta Devi transferred 2 Katha in favour of the Opp. Party Jageshwari Devi vide Sale Deed No.-925 dated 04.02.1999 by Opp. Party Smt Geeta Devi in favour of Opp. Party namely Jageshwari Devi. It would be evident from the report submitted by the District Sub-Registrar, Ranchi vide letter no. 187, dated 15.02.2018, the power of Attorney no. IV 275 dated 15.7.1991 is forged as no such power of attorney has been registered in the Office of District Sub-Registrar, Ranchi.

The petitioner has instituted an Original suit no. 184 /2013 in the Civil Court, with a prayer inter-alia for declaration of the plaintiff's right, title, interest and for recovery of possession over land in question. It has also been prayed therein that power of Attorney no. IV 275 dated 15.7.1991 is forged and fabricated and the transfer if any made in pursuance of said power is illegal and not binding upon them. The Fraudulent Registration Case no. 33/ 2017 is to cancel the deeds based on the power of attorney bearing no. IV 275 dated 15.7.1991. The parties in O.S. no. 184/2013 and in Fraudulent Registration case no. 33/2017 are same, but the issues in both the cases are not directly and substantially the same. The substantial laws always override the technicality laws. Since the sale deeds in question have been executed on the basis of forged and fabricated power of attorney, hence the is liable to be annulled.

On the other hand, according to the Learned Advocate appearing on behalf of the Opp. party:-

The claim of the petitioner is hopelessly barred by limitation. The instant dispute relates to adjudication of right, title and interest of the parties with respect to the immovable

2019-12-1

केस का सं०
और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई कार्रवाई
के बारे में दृश्यणी तारीख
के साथ

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properties. A registering authority, U/s 82 & 83 of the Registration Act has no jurisdiction to entertain and decide the interse dispute of the parties. The reports of the District Sub-Registrar Ranchi are absolutely false and are outcome of fraud and collusion at the instance of the complainant who has his greedy eyes over the property in question which have been acquired by these opposite parties by the rightful owners thereof by virtue of different registered deeds of sale

The lands of Khata no. 22 including plot no. 490 area 0.50 acres situated at village Chiraundi, P.S. Ranchi (now Bariatu), Thana No. 186, District- Ranchi stands recorded in the Revisional Survey Khatian in the name of Prayag Ahir son of Dhanu Ahir. One Ramanand Singh had purchased the land of the said plot by virtue of registered deed of sale dated 18.07.1976. He on account of legal necessity sold the land of the said plot measuring 10 Kathas to Smt. Pratibha Singh by virtue of registered deed of sale dated 17.12.1984 and put her in possession of the same and she came into possession since the date of purchase. Smt. Pratibha Singh after purchase got her name mutated in the Circle Office, Town Anchal, Ranchi and paid rent with respect of the same in her name to the State. Smt. Pratibha Singh through her constituted attorney Sri Haribansh Prasad Sinha on account of legal necessity sold 5 Kathas of land being portion of R.S. Plot NO. 490, sub plot no. 490/C-1 under Khata No. 22 situated at village- Chiraundi, P.S. Bariatu, Thana No. 186 District- Ranchi to the opposite party Ram Lakhhan Yadav by virtue of registered deed of sale dated 27.05.1992 and put him in possession of the same and since then he in coming in peaceful possession since the date of purchase. The opposite party Ram Lakhhan Yadav after purchase applied for mutation of his name in the Circle Office, Town Anchal, Ranchi which was registered as mutation Case No. 114 (iv) R27 of 1993-94. The aforesaid mutation case was allowed in the name of Ram Lakhhan Yadav and correction slip was issued to him and he is regularly paying rent to the State. The opposite party Ram Lakhhan Yadav immediately after purchase constructed pucca boundary wall and pucca building over the land purchased by him. He has also installed electric

2011/1/24.

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connection and water pipe connection in the premises and in paying electric charges and water charges to the concerned authorities. He has also got his name mutated in the Ranchi Municipal Corporation being holding no. 6/A-3 within ward no. 194/4 and is regularly paying taxes in his name. From the facts stated above, it would be evident that the opposite party Ram Lakhan Yadav is absolute owner with respect to 5 Kathas of land along with pucca building and is residing there with his family members and has acquired absolute and indefeasible title.

The said Smt. Pratibha Singh on account of legal necessity also sold 4 Kathas of land being portion of R.S. Plot NO. 490, sub plot no. 490/C under khata no. 22 of the said village to Smt. Geeta Devi wife of Sri Bhutnath Choudhary by virtue of registered deed of sale dated 23.07.1992. Smt. Geeta Devi after purchase got her name mutated in the Circle Office, Town Anchal, Ranchi and regularly paid rent to the State.

The said Smt. Geeta Devi on account of legal necessity sold 2 Khatas of Land out of the aforementioned plot to the opposite party Smt. Jageshwari Devi by virtue of registered deed of sale dated 04.02.1999 for a valuable consideration and put her in possession of the same.

The opposite parties are bonafide purchasers with respect to the respective lands purchased by them. They have constructed residential building over their respective land and are residing there with their family members.

Heard both the parties. On perusal of report submitted by the District Sub-Registrar, Ranchi vide Letter No.-187 dated 15.02.2018 and Letter No.-253 dated 28.02.2018, I find that, the District Sub-Registrar, Ranchi has stated therein that the said Power of Attorney No. IV -275 dated 15.07.1991 is not registered in the office of District Sub-Registrar, Ranchi. The same appears doubtful. He has recommended for annulment of the aforesaid sale deeds in question i.e. (1) Deed No.- 5336 of the year 1992, (2) Deed No.-8367 of the Year 1992 and (3) Document No. 925 of the year 1999, executed on the basis of aforesaid forged and fabricated

20/12/21

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power of attorney in the light of direction issued by the Department of Revenue, Registration and Land Reforms, Govt. of Jharkhand vide Letter No. - 930, dated 21.09.2016.

For the reasons aforementioned, without delving into the right, title and interest of the parties concerned over the aforementioned land in question, the instant case is allowed. (1) Sale Deed No.- 8367 dated 22.07.1992, (2) Sale Deed No.- 5336 dated 27.05.1991 and (3) Sale Deed No.-925 dated 04.02.1999 executed on the basis of aforesaid forged and fabricated power of Attorney no. IV 275 dated 15.7.1991 is hereby annulled. 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 the order to the District Sub-Registrar, Ranchi for information and needful.

[Signature]
20/12/21

Deputy Commissioner
Ranchi

Dictated and Corrected by

[Signature]
20/12/21

Deputy Commissioner
Ranchi

order
communicated to
D.C.B. Ranchi
for information
and necessary
action vide
Memo No 73 N
dt 12.01.22
by
12.01.22

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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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21.01.2022

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI
Fraudulent Registration Case No.-33 /2017-18

1) Mrinal Kumar Das S/o Late Niranjan Das, Resident of Bank Colony, Kokar, P.S.-Sadar, Dist.-Ranchi, Jharkhand,

The power of attorney holder of:-

- (i) Sri Jagdish Prasad Singh S/o Late Hardeo Singh,
- (ii) Sri Rahul Singh S/o Sri Jagdish Prasad Singh,
- (iii) Sri Rohit Singh S/o Sri Jagdish Prasad Singh,

all resident of Village Nadowan, P.S.-Natwar, Dist-Rohtas (Bihar) at present residing at Lake Avenue, Kanke Road (Beside Kerla Ayurved Centre) P.S.-Gonda, Dist-Ranchi


..... Petitioner

Versus

- 1) Smt Geeta Devi W/o Sri Bhutnath Chaudhary R/o Hindpiri, Second Street, Sonar Galli, P.S. Hindpiri, District Ranchi
- 2) Smt. Jageshwari Devi W/o Milan Sao Address R/o Village Chiroudhi, P.S. Bariatu, District Ranchi
- 3) Ram Lakhan Yadav father Shri Tale Yadav R/o Village Chiroudhi, P.S. Bariatu, District Ranchi
- 4) Harbansh Prasad Sinha Son of Late Madan Mohan Prasad R/o Bariatu, P.O. & P.S. Bariatu, District Ranchi Opp. Parties

ORDER

A petition U/s 152 has been filed on behalf petitioner seeking correction of some typographical error and bona/fide mistake discovered in order dated 20.12.2021 passed in the instant case.


20/1/22

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According to the petitioner, in line 2 of page no.-2, in line 6 of page no.- 3 and in line 8 of page no.- 6 of the order dated 20.12.2021 passed in the instant case, the date 27.05.1992 has been wrongly typed as 27.05.1991.

Hence in line 2 of page no.-2, in line 6 of page no.- 3 and in line 8 of page no.- 6 of the order dated 20.12.2021 passed in the instant case, wherever the date 27.05.1991 appears be rectified and treated as 27.05.1992

The order dated 20.12.2021 passed in the instant case stands modified to the extent mentioned hereinabove.

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

[Signature]
21/11/22

Deputy Commissioner
Ranchi

Dictated and Corrected by

[Signature]
21/11/22

Deputy Commissioner
Ranchi