

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

IN THE n COURT OF THE DEPUTY COMMISSIONER, RANCHI

Fraudulent Registration Case No.-34/17-18

12.01.2021

Atiya Ambrin D/o Late Ataulah Jabbar Khan
R/o Hallma Manzil, House No.-3098
Jyoti Gulistan School, Hill View Road
Bariatu, Ranchi

..... Complainant

-Versus-

1- Dinesh Lohar Son of Kali Lohar
R/o Village Nawasoso, P.S. Ratu, District Ranchi
2- Abdul Jabbar Khan Son of Late Amir Khan
R/o Hindpiri, P.S. Hindpiri, District Ranchi
3- Dhiraj Vishwakarma S/o Sri Ganga Vishwakarma
R/o Behind Old Gurudwara, Bel Vatika Mohalla
P.S. Medninagar, District Palamau
4- Dezy Kumari W/o Sri Sudhir Kumar
R/o Shukhdeonagar, P.S. Sukhdeonagar, District Ranchi
5- Shankar Ram
6- Bholu Ram S/o Late Mohan Ram
R/o Lodhma, P.S. Karra, District Khunti
7- Smt Nirmala Singh W/o Sri Hemant Kumar Singh
R/o Anand Nagar, Behind Kaju Bagan, Hehal
P.S. Sukhdeonagar, District Ranchi
8- Krishna Prasad Thakur S/o Ram Chandra Thakur
R/o Pandra, P.S. Sukhdeonagar, District Ranchi
9- Lal Bhupeshwar Nath Shahdeo
S/o Late Lal Maheshwar Nath Shahdeo
R/o Hehal, Itki Road, P.S. Sukhdeonagar, District Ranchi

..... Opp. parties

ORDER

Present proceeding has been initiated upon the application U/s 82 & 83 of the Indian Registration Act preferred by the complainant Atiya Ambrin with a prayer for annulment of (1) Power of Attorney bearing Deed No.- 699/59 entered in Book

केस का सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई फॉरवर्ड के बारे में टिप्पणी तारीख के साथ
1	2	3

2

No.-IV, Vol No.-3, Page No.-19 to 28, (2) Sale Deed No.-1121/1017 of the year 2014 dated 26.05.2014, (3) Sale Deed No.-567/450 of the year 2015 dated 26.02.2015, (4) Sale Deed No.-566/449 of the year 2015 dated 26.02.2015, (5) Sale Deed No.-565/448 of the year 2015 dated 26.02.2015, (6) Sale Deed No.-1754/1546 of the year 2014 dated 07.07.2014, (7) Sale Deed No.-3423/2992 of the year 2014 dated 27.11.2014, (8) Sale Deed No.-3600/3135 of the year 2014 dated 15.12.2014, (9) Sale Deed No.-3599/3134 of the year 2014 dated 15.12.2014 claiming the same to be fraudulently executed with respect of land under Khata No.-4, Plot No.-129, 493 and 494 of Village Nawasoso, Thana No.-150, District Ranchi by the Opp. Party No.-1 and 2 in favour of Opp. Party Nos. 3 to 9

As per the report of District Sub-Registrar, Ranchi submitted upon the matter vide Letter No.-77 dated 03.03.2018, during enquiry made by him, the identifier of the sale deed namely Gulfan Khan appeared and has stated that being a painter by profession he has worked in the house of Dinesh Lohar, so he knows him, but he is not acquainted with Abdul Jabbar Khan. Later on 30.01.2018 the said Gulfan Khan vide Affidavit bearing Ref No.-116 dated 30.01.2018 has declared that he knows both the persons i.e. Dinesh Lohar and Abdul Jabbar Khan. Another witness namely Shamshad Ansari S/o Rafique Ansari appeared and has recorded his statement inter-alia that Rafique Khan and Chand Khan had taken his Aadhar Card and it appears that they have used the same for registration. The Witnesses namely Enus Ansari and Faqueruddin Ansari have denied to have put their thumb impression upon the deed in question as witnesses. The Aadhar Card produced by the complainant the name of her father is entered as Abdul Jabbar Khan, while in PAN Card his name is entered as Ataul Jabbar Khan. The complainant has stated that her father died on 07.02.2015 and in the death certificate his name is mentioned as Ataul Jabbar Khan. She has also produced an affidavit sworn and signed on 31.01.2015, wherein it has been declared that the name Abdul Jabbar Khan and Ataul Jabbar Khan are name of one and same person. The aadhar card produced by the complainant and identity card produced during registration by Abdul Jabbar

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

3

Khan appears to be different. Absence of Abdul Jabbar Khan and refuse to take notice by the witnesses of the deed goes to suggest that the claim of the complainant is true.

The District Sub-Registrar, Ranchi has recommended to annul the deeds in question on the basis of Departmental Memo No.-930 dated 21.09.2016.

Heard both the parties. According to the learned Advocate appearing on behalf of the complainant:-

The land in question under Khata No.-4, Plot Nos 129, 492, 493, 494 and Khata No.38, Plot No.-490 and 491 of Village Nawasoso, Thana No.-150, District Ranchi belonged to the recorded tenant namely Amir Khan, the grandfather of the complainant. Amir Khan died leaving his four children from his first wife namely 1. Nazir ahmad 2. Khairunnisa, 3. Jairunnisa and 4. Md Shafi Khan and three children namely 1. Zahida khatoon 2. Jabbar Khan and 3. Badrunnisa from second wife namely Kitabunnisa. Entire property of Amir Khan has been divided between children of first wife and second wife with 50% share to each child. The father of complainant Ataul Jabbar Khan @ Abdul Jabbar Khan has sold some part of his share of land along with his sisters shares on the strength of power of attorney given by his sister namely Zahida Khatoon and Badrunnisa D/o Late Amir Khan in favour of different persons, who have also got their names mutated with respect of their purchased land. On 04.02.2015 three persons came at the house of petitioner and brutally assaulted father of the complainant namely Abdul Jabbar Khan @ Ataul Jabbar Khan by hammer and other weapons as a result of which father of petitioner became unconscious and father of petitioner was admitted to RIMS, Ranchi. One of accused of the aforesaid incident was caught by local persons, who disclosed his name as Junaid Khan. Bariatu P.S case No 59/15 corresponding to GR no 773/15 and S.T No.-

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

4

312/2015 was lodged against him and he was convicted by the Hon'ble Court. The Opp. Party, Dinesh Lohar @ Sameer Khan was also arrested by the Police and now he is facing trial vide ST no.528 / 2018, which is pending before the learned Additional Judicial commissioner Sri S. K. Shashi , Ranchi. Dinesh Lohar Son of Kali Lohar of Village Nawasoso P.S - Ratu, District - Ranchi alongwith other land mafias have sold the above mentioned Khatiyani Property of the Complainant after obtaining Power of Attorney being Deed No.-699/59 dated 21.03.2014 entered in Book No.IV, Vol No.-3, Page No.-19 to 38 from a fake Abdul Jabbar Khan on the strength of fake voter identity card. The fake Abdul Jabbar Khan himself and through his constituted attorney Dinesh Lohar has executed several deeds in the name of Opp. Parties.

Recently on 14.02.2019 Md Kayum, Nazamuddin, Nyeemuddin, Md Shamim and Md Muslim all Sons of late lltaf Hussain R/o Tiwari street, Rayeen Mohalla, Hindpiri , P.S - Hindpiri , District - Ranchi in connivance with Dinesh Lohar, Sahid Akhtar, and Sita Ram sold 6 decimals of land of Khata No - 4, Plot No - 493 of Village Nawasoso vide Deed no 1453/1279 in favour of Sunita Verma Wife of Manoj Kumar Verma R/o Simdega , P.S - Simdega , District-Simdega on the basis of a fake Genealogical table shown to be issued by Swaria Kerketta, Mukhiya of Sundil Panchayat. On making enquiry by the Learned District Sub Registrar, Ranchi regarding the Genealogical table from Mukhiya of Sundil Panchayat, She informed that she has not certified the Genealogical table of any Muslim community as there is no Muslim population in said Panchayat Sundil The District Sub Registrar , Ranchi recommended to in - charge Deputy collector to cancel aforementioned registered sale

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

5
deed No.- 1279 dated 14/2/2019 vide letter no 160 dated 22.02.2019

The Complainant in order to verify the Aadhar Card being 504633062959 issued in the name of fake Abdul Jabbar Khan went to Aadhar Office at RIADA, where she was informed that the name address etc of the said Aadhar has been changed during March to May 2018, but the authority present there expressed his inability to provide further details with respect of the same.

It would be evident from the enquiry made by the District sub - Registrar , Ranchi that the aforesaid Power of Attorney taken by Dinesh Lohar is fake and registered sale deed executed by Dinesh Lohra is also fake. He has recommended to Deputy Commissioner to cancel all registered deeds vide letter no 79 dated 03.03.2018.

On the other hand according to the learned Advocate representing the Opp. Parties:-

The present case arises out of an application filed by the applicant namely Atiya Amrin D/o Late Ataul Jabbar Khan @ Abdul Jabbar Khan, alleging there in that the Opp. Party Dinesh Lohar has obtained Power of Attorney from a fake Abdul Jabbar Khan and have transferred the land in question, which belongs to her father Late Ataul Jabbar Khan @ Abdul Jabbar Khan.

The aforesaid land in question under Khata No.-4, Plot Nos 129, 492, 493, 494 and Khata No.38, Plot No.-490 and 491 of Village Nawasoso, Thana No.-150, District Ranchi originally belonged to Amir Khan S/o Nabab Khan, R/o Hindpiri, P.S. Hindpiri, Dist . Ranchi, in whose name survey Record of Right was prepared and his son namely Abdul

केस का सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्य के बारे में टिप्पणी, तारीख के साथ
1	2	3

6

Jabbar Khan is the surviving heir of the recorded tenant. The aforesaid facts has been admitted by the applicant herself and the only allegation of the complainant is that, the Opp. Party namely Abdul Jabbar Khan is a fake person.

Actually the identity of the applicant itself is doubtful and disputed from the facts of the case which is apparent from her application itself, wherein she has mentioned that her father's name is Ataul Jabbar Khan and she has also furnished a death certificate and pan card issued in the name of Ataul Jabbar Khan but subsequently on the basis of a fake Aadhar card the name Abdul Jabbar Khan has been adopted by the complainant in order to justify her claim. The Opp. Party No. 1, Abdul Jabbar Khan is the actual son and legal heirs and successor of the recorded tenant Amir Khan R/o Hindpiri, P.S. Hindpiri, Dist Ranchi and in order to substantiate his claim, he has already furnished Aadhar No. 504633062959, PAN No. GZPPK7870G before this court.

The instant dispute between the complainant and opp. party is a civil dispute as is apparent from the claim and counter claim made by the parties. It has been established that the opposite party namely Abdul Jabbar Khan has full identity and is not a fake person. There is no question of impersonation. The applicant's identity itself is doubtful and she is falsely claiming the land without having any supporting cogent evidence for the same. There is no evidence to show that she or her father Ataul Jabbar Khan was the actual owner and the land belongs to them. The land in question has been transferred by Abdul Jabbar Khan himself or by his attorney since long and the complainant during the life time of her father did not raised any dispute and now after long time, she has raised a question about the

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

7

genuineness of the transfer.

The transferee have bonafidely acquired the land in the year - 2014-15 during the life time of her father and some of them have also constructed *pukka* houses over the same and are residing with family members since last five years without any hindrances. Their names have been mutated in the office of the Circle Officer, Kanke (now Ratu) Ranchi after full verification and enquiry regarding ownership and possession. On the other hand mutation case No.3966R27 / 2018-2019 preferred by the mother of the complainant has been rejected vide its order dated - 23.4.2019 after holding that her genealogy has not been confirmed by the Mukhiya and none of the villager has authenticated the genealogy.

The enquiry report submitted by the Sub-Registrar, Kanke Ranchi is not correct. He has recommended for the cancellation of the sale deed without applying its mind. He has failed to appreciate the fact that the applicant herself is not a genuine person and falsely claiming the land. He has formed his opinion merely because the Opp. No. 2 Abdul Jabbar Khan did not appeared and the witnesses gave contradictory statement but he failed to appreciate the fact that they had supported the identity of the transferor by submitting affidavit stating there in that they are fully acquainted with the seller Abdul Jabbar Khan who was the real owner of the land in question.

Heard the learned counsels appearing on behalf of both the parties. On perusal of materials available on record, I find that, the complainant has alleged that the Opp. Party namely Abdul Jabbar Khan has no concern with the recorded tenant Amir Khan. He by using false identity card has executed the deeds in question forming the subject matter of this proceeding. On the other hand, the Opp. Party/ Abdul Jabbar Khan has claimed himself as the real legal heir and successor of

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

7

genuineness of the transfer.

The transferee have bonafidely acquired the land in the year - 2014-15 during the life time of her father and some of them have also constructed *pucka* houses over the same and are residing with family members since last five years without any hindrances. Their names have been mutated in the office of the Circle Officer, Kanke (now Ratu) Ranchi after full verification and enquiry regarding ownership and possession. On the other hand mutation case No.3966R27 / 2018-2019 preferred by the mother of the complainant has been rejected vide its order dated - 23.4.2019 after holding that her genealogy has not been confirmed by the Mukhiya and none of the villager has authenticated the genealogy.

The enquiry report submitted by the Sub-Registrar, Kanke Ranchi is not correct. He has recommended for the cancellation of the sale deed without applying its mind. He has failed to appreciate the fact that the applicant herself is not a genuine person and falsely claiming the land. He has formed his opinion merely because the Opp. No. 2 Abdul Jabbar Khan did not appeared and the witnesses gave contradictory statement but he failed to appreciate the fact that they had supported the identity of the transferor by submitting affidavit stating there in that they are fully acquainted with the seller Abdul Jabbar Khan who was the real owner of the land in question.

Heard the learned counsels appearing on behalf of both the parties. On perusal of materials available on record, I find that, the complainant has alleged that the Opp. Party namely Abdul Jabbar Khan has no concern with the recorded tenant Amir Khan. He by using false identity card has executed the deeds in question forming the subject matter of this proceeding. On the other hand, the Opp. Party/ Abdul Jabbar Khan has claimed himself as the real legal heir and successor of

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

8

the recorded tenant Amir Khan. He on the basis of PAN Card and Death Certificate by the complainant herself has disputed that the name of the father of the complainant was Ataul Jabbar Khan and not Abdul Jabbar Khan and he had no concern with the recorded tenant Amir Khan.

Be that as it may. It is settled law that in a proceeding U/s 82 and 83 of the Registration Act, right, title or interest of the parties concerned on the basis of their conflicting claim cannot be decided. Hence for the reasons aforementioned the instant proceeding U/s 82 and 83 of the Registration Act is not maintainable and the same is hereby dropped.

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


Deputy Commissioner
Ranchi

Dictated and Corrected by


Deputy Commissioner
Ranchi

order
communicated to
D.S.R Ranchi for
information and for
necessary action
vide memo No
231 (10) dt 29.1.21
by
29.01.21