


अनुसूची 14 – फारम सं० 563

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
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-: 1 :-

07.07.2021	<p style="text-align: center;">IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI</p> <p style="text-align: center;"><u>Misc. Appeal No. 53 R 15 of 2018</u></p> <p>Sukhram Oraon Son of Late Parto Oraon Resident of Village - Kute Toli, P.S. - Jagannathpur, District-Ranchi ... Appellant</p> <p style="text-align: center;">-Versus-</p> <p>1. Khedua Naik 2. Rajesh Naik Both Sons of late Bigla Naik, Residents of Village - Kute Toli, P.S. Jagannathpur, District Ranchi ... Respondents</p> <p style="text-align: center;">ORDER</p> <p>Present appeal has been preferred the appellant, on aggrieved of and dissatisfied with the order dated 27.03.2017 passed in Misc. Case No.- 47 of 2012-13 by the learned Land Reforms Deputy Collector, Sadar Ranchi, wherein and whereunder the Learned LRDC, Sadar vide impugned order has allowed the aforesaid Misc Case preferred by the present respondent. The Learned LRDC, has ordered to realize rent from the legal heirs and successors of the recorded tenant i.e. the respondent, after holding that parallel jamabandi has been created with respect of the land under Khata No.-171, Plot No.- 215 area 0.74 Acres of Village Kutetoli. As per the order of the Learned Settlement Officer, the jamabandi running in the name of Madi Oraon has already been ordered to be omitted. According the report submitted by the Circle Officer, Namkum Anchal, the legal heirs and successors of the recorded tenant Kali Ghanshi is exercising possession over the aforementioned land in question, as such they are entitled to pay rent of the same.</p> <p>Heard both the parties on the point of admission. According to the Learned Advocate appearing on behalf of the appellant, the</p>	
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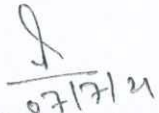
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	<p>aforementioned land in question has been acquired by Madi Oraon, the grandfather of the present appellant from the then landlord, who settled him as a raiyat by executing Sada Hukumnama in the year 1941. The said Madi Oraon regularly paid rent to the then landlord since the year 1941 till 1956. After vesting of the zamindari right to the State, he was recognized as raiyat by the State.</p> <p>The occupancy raiyat of the land namely Kala Ghasi surrendered the land in question on 18.12.1941 to the landlord, who subsequently settled the same one Madi Oraon, the ancestor of the present appellant. The said Madi Oraon came in possession over the land and regularly paying the rent with respect of the same to the then landlord since the year 1941 till 1956. After vesting of the zamindari right to the State, he was recognized as raiyat by the State.</p> <p>It would be evident from the order dated 17.04.1993 passed by the learned Circle Officer, Namkum Ranchi in Misc. Case No.107 RVIII / 92-93 that the respondent or his ancestor have never acquired possession over the aforementioned land in question.</p> <p>On the other hand, the claim of the present respondent is that, the land of Khata No. 171, Plot No.215, Area 0.74 acre is his khatiani land. The present appellant namely Parto Oraon Son of Madi Oraon is illegally cultivating the above land since last twenty years. The land of Khata No.171, Plot No.215, Area 0.74 acres situated at Village - Kute Toil , P.S. Jagarnathpur , District - Ranchi is recorded in the name of Kala Ghasi , the ancestor of the respondents. The said Kala Ghasi died leaving behind his only son namely Bigla Ghasi, who died leaving behind his two sons namely Khedua Naik (the Opp. Party No.-1) and Rajesh Naik (Opp. Party No.-2). The respondent or their ancestors have never surrendered the land in question in favour of the then landlord.</p> <p>Heard both the parties. Perused the materials available on</p>	
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-: 3 :-

	<p>record. It is settled law that, if it is established in any legal proceeding that the Jamabandi was created by playing fraud or misrepresentation, the same can be cancelled. As per the impugned order I find that, the learned courts below has ordered to realize rent from the legal heirs and successors of the recorded tenant i.e. the respondent, after holding that parallel jamabandi has been created with respect of the land under Khata No.-171, Plot No.-215 area 0.74 Acres of Village Kutetoli. As per the order of the Learned Settlement Officer, the jamabandi running in the name of Madi Oraon has already been ordered to be omitted. According the report submitted by the Circle Officer, Namkum Anchal, the legal heirs and successors of the recorded tenant Kali Ghashi is exercising possession over the aforementioned land in question, as such they are entitled to pay rent of the same.</p> <p>For the reasons aforementioned, I do not find any infirmity in the impugned order dated 27.03.2017 passed in Misc. Case No.- 47 of 2012-13 by the learned Land Reforms Deputy Collector , Sadar, Ranchi. Hence this appeal is dismissed. The impugned order dated 27.03.2017 passed in Misc Case No.-47/2012-13 is hereby upheld.</p> <p>Communicate this order to Deputy Collector Land Reforms, Sadar, Ranchi for information and necessary action.</p> <p>Dictated & Corrected  Deputy Commissioner Ranchi</p> <p> Deputy Commissioner Ranchi</p>	
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