

केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
1	2	3

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI

Mutation Revision No.-77 R 15/2018-19

Balkeshwar Singh & Others Petitioners

-Versus-

Shaukat Ali & Others Opp. Parties

ORDER

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5.7.20 The instant revision has been preferred by the petitioner namely (1) Balkeshwar Singh Son of Late Mohan Singh, (2) Raj Kishore Singh, (3) Tarani Singh, (4) Hari Singh and (5) Mahabir Singh All Sons of Late Gandur Singh R/o Vilalge Sidrol, P.S. Namkum, District Ranchi against the respondents namely (1) Shaukat Ali Son of Md Ashique Ali Resident of Inspection Banglow, Namkum, Ranchi, (2) Ravindra Kumar Son of Umeshwar Prasad Sharma Resident of Sadabahar Chowk, P.S. Namkum, District Ranchi and (3) Murlidhar Mahto Son of Late Nageshwar Mahto R/o Village Bargawan, P.S Namkum, District Ranchi.

The matter pertains to land related to R.S. Khata No.-65 of Village Sidraul, P.S. Namkum, P.S. No.-218, District Ranchi, which is recorded in the R.S. Record of Right in the name of Most. Hulas Kuwar (W/o Ganpat Singh) for one share, Meghnath Singh and Mohan Singh (S/o Chhatru Singh) for one share, and Thakur Singh (S/o Punnai Singh) for one share.

The Mutation Revision Case No.-9/2011 was filed by the petitioner against the order of the Land Reforms Deputy Collector, Ranchi in Mutation Appeal No.-130 R 15/2008-09 and Mutation Appeal No.- 18 R 15/2009-10 analogous order dated 27.07.2011, before the Additional Collector Ranchi. The Revision case was allowed vide order dated 17.02.2012, against which the Opp. Party filed a writ petition before the Hon'ble High Court of Jharkhand, praying for a declaration that no person below the rant of the District Collector has jurisdiction over such matter. The Hon'ble High Court allowed the writ petition and this set-aside the order of the AC Ranchi, but recognized the right of the

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petitioners to challenge the order of the LRDC, Ranchi before this court latest by 31.01.2019.

The petitioner claim that the recorded tenant Hulas Kuwar and Meghnath Singh died issueless, while Mohan Singh died leaving behind his only son, Balkeshwar Singh (Petitioner No.-1). The recorded raiyat Thakur Singh died leaving behind one son Gandur Singh, who died thereafter, leaving behind four sons – Raj Kishore Singh, Tarani Singh, Heera Singh and Mahabir Singh. The petitioner claim to be rightful heir and successors, and to have been in full, legal and peaceful possession of the land. They also claim that they have not sold or transferred any part of their right over the said land.

According to the petitioner mutation done in favour of Opp. Parties with respect of Plot No.-479 and 375 area 1.72 acre, vide mutation case no.- 1300 R 17/2008-09 and Plot No.-477, 478 and 479 total area 1 Acre vide Mutation Case No.-1290 R 27/08-09) were illegal. They claim that as per record of right of Khata No.-65 jamabandi stands in the name of Hulas Kuwar, Meghnath Singh and Mohan Singh and Thakur Singh, however the Halka Karamchari stated that the same stood in the name of Nageshwar Singh, Mathura Singh, Kunwar Singh (Son of Ram Lakhan Singh); Dwarika Singh, Sunder Singh (Son of Nanu Singh); Bihari Singh (Son of Janak Singh), who are the vendor of the Opp. Parties. The petitioner allege fraudulent and dishonest action by the Halka Karamchari in this regard and claim that the Opp. Parties are in connivance with the Halka Karamchari, CI and Circle Officer.

On the other hand, the Opp. Parties No.-1 to 3 argue that the land in question has been purchased by them through registered and valid sale deeds for valuable consideration, on the basis of which mutation has been done in their favour. They also content that petitioner no.1 and 2 have transferred the land to Bholu Prasad, Shankar Prasad and Sulochana Devi, whose name appear in mutation (2.43 Acres against 2.78 Acres).

Further the Opp. Parties rely on OA No.-229/19, wherein the United Bank of India (Doranda Branch) has proceeded against M/s Ano Brij Construction & Others before the Debts Recovery Tribunal, Ranchi to secure the land under contention

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for loan repayment. On this basis, the Opp. Parties argue that the petitioner do not have de facto possession of the land, which is actually in possession of Union Bank of India. They have alleged that the petitioner, after being silent about the sale deed since 2008 to 2016, have forcibly removed the Union Bank sign-board from the land, excluded current possessors of the land from being parties to the matter, and have no valid ground to reverse the mutation done in the name of the Opp. Parties.

After considering all arguments, facts and evidence produce from both sides, and after due consideration to the actual current possession of the land under contention, this court observe that neither the petitioner nor the Opp. Parties have true possession of the land. This is highlighted by the ongoing matter before DRT. Therefore this court is constrained to reject this petition and remand the matter to the Circle Officer to conduct an assessment of the current status of the land possession, following which appropriate mutation may be executed.

Communicate this order to Land Reforms Deputy Collector, Sadar, Ranchi and Circle Officer Namkum Anchal, Ranchi for information and needful.

Dictated and corrected by me


Deputy Commissioner
Ranchi


Deputy Commissioner
Ranchi

Order communicated
to L.R.D.C Sadar
Ranchi alongwith
I.C record 1301/2016
Balleshwar Singh
and others vs
Sagarat Ali and
others
18.11.2019-10
for information of
n.a vide memo
no 546 (ii) dt.
8.7.20
7.20. A/S comp
Anwarud
Nam