

अनुसूची 14 -- फारम सं0 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 :-

12.04.2021	<p style="text-align: center;">IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI <u>Rent Fixation Appeal No.-2 R 15/2018-19</u></p> <p>Smt. Sanju Mishra Wife of Sri Surendra Mishra, Guardian appointed under the Guardian & Wards Act 1890 for Minor Mahant Shiv Ram Das.</p> <p>Presently residing at Ram Janki Mandir Sheshpur, Gorakhpur, P.O. Geata Press P.S. Rajghat, District Gorakhpur (U.P.) Appellant</p> <p style="text-align: center;">-Versus-</p> <p>Bhakti Charan Das Son of Late Arkit Das, Residing in the premises of Siya Ram Narsingh Mandir, Lake Road Ranchi, P. O. & P.S. Hindpiri District Ranchi Respondent</p> <p style="text-align: center;">ORDER</p> <p>Present appeal has been preferred against the order dated 24.03.2018 passed by the Learned Deputy Collector Land Reforms, Sadar, Ranchi in Rent Fixation Case No.-48/2016-17 / 60/2016-17, whereby the Learned DCLR, Sadar, Ranchi allowed fixation of rent at the rate of Rs. 54/- (Rupees Fifty Four Only) alongwith cess U/s 5, 6 & 7 of Bihar Land Reforms Act, 1950 with respect of land appertaining to MS Plot No.-1628 under Ward No.-II measuring an area of 216 Kari situated at Village Ranchi, Thana No.-205, District Ranchi in the name of Siyaram Narsingh Mandir through present Pujari (Manant) Bhakti Charan Das (the present respondent).</p> <p>According to the Learned Advocate appearing on behalf of the appellat:-</p> <p>The status of the appeal is Guardian of minor Mahant Shiv Ram Das, who is appointed Guardian of said minor Mahant by the Learned Court of Additional District Judge – Cum – Special Judge, Gorakhpur on the strength of a last registered Will executed by the sitting Mahant Ram Das of Ram Janki</p>	
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Mandir Sheshpur (Gorakhpur) and Siya Ram Narsingh Mandir, Lake Road, Ranchi.

Mahant Ram Das died in 2013. After his death guardian appointed under the WILL dated 22.06.2000 namely Hemant Kumar Pandey took over charge of looking after the activities of Gorakhpur and Ranchi Mandir on behalf of Minor Mahant Shiv Ram Das but as the said Hemant Kumar Pandey became traceless and his where about was not known to anyone, as such the mother and natural guardian of Minor Mahant Shiv Ram Das preferred application under the Guardian and Wards Act 1890 before the Court of the District Judge Gorakhpur for appointing her as guardian of said Minor Mahant till he attains majority for proper care of the activities of Mandirs at Gorakhpur and at Ranchi, which was allowed and she is the legally appointed guardian of Minor Mahant Shiv Ram Das with respect to Mandirs of Sheshpur (Gorakhpur) and Lake Road Ranchi on the strength of the last registered Will executed in favour of Minor Mahant Shiv Ram Das.

In the said capacity, Sanju Mishra on being aware of the cunning acts of the respondent, who applied for rent fixation with respect of the land of the Ram Janki Narsingh Mandir, Ranchi before the L.R.D.C., made objection contending that respondent has got no locus standi at all for getting rent fixed in his name after annexing relevant documents and court's order showing interest of Minor Mahant Shiv Ram Das. The Learned Court below called for detail report from the Circle Officer Town Anchal Ranchi, who made inspection and enquiries upon the matter through Halka Karamchari and Circle Inspector and submitted their reports stating inter-alia that, Smt. Sanju Mishra, Guardian of Minor Mahant preferred objection on the basis of Court's Order and other documents. In such circumstances rent fixation in the name of respondent cannot



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be done. Respondent can approach the court of competent jurisdiction for redressal of his grievances. Thus the report submitted by the Circle Officer was against the respondent.

It is admitted fact that the Mandirs both at Sheshpur, Gorakhpur and Ranchi was held and possessed by the Mahant Ram Das in whose name holding tax was assessed and was regularly realized by the Municipality. The respondent's correct name is Dasanu Das. He wrote a letter to the then Mahant Ram Das requesting his to take accounts of the Mandir from Munni Bai, He has also stated therein that "apana guruji ke sharan me jana chahata hu". The aforesaid fact proves that the said Munni Bai was care taker of the Narsingh Mandir at Ranchi and after her death, how and under which circumstances the respondent acquired personal interest upon the Mandir has not been discussed in the impugned order passed by the learned courts below.

The minor Mahant Shiv Ram Das has acquired interest upon the land in question on the basis of registered Will executed by Mahant Ram Das. As the said Mahant Shiv Ram Das has attained majority, hence steps is been taken to seek probate of the said Will from the competent court of law.

In reply, according to the learned Advocate appearing on behalf of the respondent,

The respondent is the Mahant of Bhagwan Narsingh Mandir, Lake Road, Ranchi. He has been declared as Mahant of temple on 23.05.2013. He was declared as Chela – cum - Pujari – cum - Successor and in heritor (Uttradhikari) since 10.12.1977 through proper process/ceremony (Tilak Chadar). Mahant Bhakti Charan Das is in peaceful physical possession over the Narsingh Mandir since 10.12.1977. The said Narsingh Mandir is constructed over M.S. Plot No.- 1628 under Ward No - II having



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total area of 216 Kari situated at Village - Ranchi, Thana No.- 205, Lake Road, Dist. Ranchi. The aforementioned land under MS Plot No.-1628 stands recorded in the name of Bihari Das @ Siyaram Das S/o Baba Sabu Das. Bhagwan Narsingh exists over the aforementioned land in question since the year 1922. The aforesaid land has been mutated in the name of Pujari Bhakti Charan Das vide Rent Fixation Case No. 45/2016-17 by the State Government. The said land also mutated in Ranchi Municipal Corporation vide Holding No - 1836/A. Bhagan Narsingh Mandir is registered in the Hindu Religious Trust Board, Patna and Jharkhand Hindu Religious Trust Board, Ranchi. The Respondent, Mahant Bhakti Charan Das is paying regularly all the government/statutory dues to the State government. The appellant Sanju Mishra is resident of Gorakhpur and has no concerned with Bhagwan Narsingh Mandir, Ranchi from any corner. She has neither title nor possession over the land in question.

The respondent was not made party in the proceeding under the Courts and Ward Act preferred by the appellant before the District Court, Gorakhpur. The appellant has not obtained probate of alleged Will from the competent court, hence the same cannot be looked into. The matter execution of Will or right, title or interest over the land in question can only be decided by the competent court of law.

Heard both the parties. On perusal of material available on record, I find that rent with respect of land in question has not been fixed in the name of an individual, but the same has been fixed in the name of the deity Siyaram Narsingh Mandir through present Pujari (Manant) Bhakti Charan Das. The Learned LRDC, Sadar, Ranchi while fixing the rent, has imposed restriction that the Mahant shall not claim right, title and interest upon the property of the Siyaram Narsingh Mandir. He shall not have power transfer or alienate the



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said property, as it is meant for public use. Contrary to the aforesaid fact, the appellatant is claiming the property on the basis of an unprobated Will. It is settled law that a revenue court has no jurisdiction to decide one's right, title and interest over a property. It would be evident from the impugned order that, the Circle Officer has submitted its report vide Letter No.-305 (ii) dated 06.04.2017 that the respondent Bhakti Charan Das is performing puja and use to take care of the Siyaram Narsingh Mandir. It has been further reported therein that, in order to safeguard the property of the Mandir and avail facilities given by the Government, fixation of rent with respect of land in question is necessary. Accordingly the Learned LRDC, Sadar, Ranchi fixed the rent with respect of land in question in favour of Siyaram Narsingh Mandir through present Pujari (Manant) Bhakti Charan Das.

For the reasons aforementioned I do not find merit in this appeal. Hence, this Appeal is dismissed. The impugned order dated 24.03.2018 passed by the Learned Deputy Collector Land Reforms, Sadar, Ranchi in Rent Fixation Case No.-48/2016-17 / 60/2016-17 is hereby upheld.

Communicate this order to Deputy Collector Land Reforms, Sadar, Ranchi for information and necessary action.

Dictated & Corrected

 12/12/21
 Deputy Commissioner
 Ranchi


 12/12/21
 Deputy Commissioner
 Ranchi