

| कॉपी 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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08.02.2021

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI

Fraudulent Registration Case No.-28/18-19

1- Poonam Agarwal Wife of Alok Agarwal
 2- Nishi Agarwal Wife of Vineet Agarwal
 Both Resident of Chatrapati Shivajee Marg, Harihar Singh Road
 P.S. Bariatu, District - Ranchi Petitioners

-Versus-

Rajendra Singh Son of Lal Narayan Singh
 Resident of Dutta Lane, Morabadi,
 P.S. Bariatu, District - Ranchi Opp. parties

ORDER

The instant proceeding U/s 82 and 83 of the Registration Act has been initiated upon the recommendation made by the District Sub-Registrar, Ranchi vide Letter No.-1043 dated 25.10.2018, wherein and whereunder the learned District Sub-Registrar, Ranchi upon the application filed by the complainant namely Poonam Agarwal and Another has recommended for annulment of Sale Deed No.-11669 dated 18.05.2010 executed in favour of the Opp. Party namely Rajendra Singh.

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

The instant Case has been filed for annulment of Sale Deed No. 11669 dated 18.05.2020 fraudulently executed by fake person (in place of deceased) and that too for a piece and parcel of land which was already sold in the year 1974 vide Deed No. 4453 dated 06.03.1974.

Smt. Kalyani Chaterjee Wife of Debi Das Chatterjee purchased land under M.S. Plot No. 82 and 83, measuring

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total Area about 20 Katha situated at Village Morabadi, within Old Municipal Ward No. I by virtue of registered Sale Deed No. 6460 dated 15.06.1957. Smt. Kalyani Chatterjee Wife of Debi Das Chatterjee sold the land under M.S. Plot No. 82 and 83, measuring total area about 20 Katha 08 Chhatak situated at Village Morabadi, within Old Municipal Ward No. I to Hari Krishna Bajaj Son of Ram Kumar Bajaj by virtue of registered Sale Deed No. 4453 dated 06.03.1974.

Hari Krishna Bajaj Son of Ram Kumar Bajaj sold 10 Katha 04 Chattak i.e. 16.94 Decimals out of the aforementioned land under M.S. Plot No.- 82 and 83 situated at Village Morabadi to Nishi Agarwal Wife of Vineet Agarwal (petitioner no.-2) by virtue of registered Sale Deed No. 170 dated 02.02.2016 registered before the District Sub Registrar, Ranchi and entered in Book 1, Vol. No. 18, Pages 503 to 552 and rest 10 Khata 04 Chattak i.e. 16.94 Decimals out of the aforementioned land under M.S. Plot No.- 82 and 83 situated at Village Morabadi to Poonam Agarwal Wife of Alok Kumar Agarwal (petitioner no.-1) by virtue of registered Sale Deed No. 171 of 2016, registered before the District Sub Registrar, Ranchi and entered in Book 1, Vol. No. 19, Pages 1 to 50.

The Petitioners thereafter were put in possession over the aforementioned land purchased by them. Recently when the petitioners started construction over their land in question, the Opp. Party start claiming the land in question on the basis of Sale Deed No.-11669 dated 18.05.2010 alleged to be executed by aforesaid Kalyani Chatterjee. On making enquiry, the petitioners came to know that a person impersonating herself as Smt. Kalyani Chatterjee Wife of Debi Das Chatterjee has fraudulently executed the sale deed in

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question.

It would be evident from the death certificate bearing registration no.-HG011/1989/008095 (old registration no.-275) issued by the Kolkata Municipal Corporation that, Smt. Kalyani Chaterjee Wife of Debi Das Chatterjee died in Kolkata on 19.09.1989. A person impersonating herself as Smt. Kalyani Chaterjee Wife of Debi Das Chatterjee has fraudulently executed the sale deed in question bearing Sale Deed No.-11669 dated 18.05.2010 entered in Book I, Vol. No. 502, Pages 101 to 136 for the Year 2010 in the Office of District Sub-Registrar, Ranchi with respect of the land under M.S. Plot No. 82 and 83, measuring total area about 20 Katha situated at Village Morabadi, in favour of the Opp. Party namely Rajendra Singh Son of Lal Narayan Singh.

The District Sub-Registrar Ranchi vide Letter dated 25.10.2018 has also recommended for annulment of the aforesaid fraudulently executed sale deed no.-11669 dated 18.05.2010.

In reply, according to the Learned Advocate appearing on behalf of the Opp. Party:-

The petitioner has claimed that they have purchased 20 Katha of land of MS Plot No.-82 and 83 situated at Village Morabadi from Hari Krishna Bajaj, who has purchased the same in the year 1974 vide Deed No.-4454. As per the map annexed with the alleged Sale Deed being Deed No. 4453 of the year 1974 executed in favour of Hari Krishna Bajaj, it has been shown that he has purchased 2 Kathas of land under M.S. Plot No.- 82 and 18 Kathas of land under M S. Plot No. 83. The aforesaid measurement of land is not possible in view of the fact that as per the

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Municipal Survey Khatian, the land under M.S. Plot No.- 82 of Morabadi, District- Ranchi measures total area of 345 Kadi i.e. 21.56 Kathas and similarly, the land under M.S. Plot No. -83 of Morabadi, District- Ranchi measures total area of 33 Kadi i.e. 2.06 Katha as per the Municipal Survey Khatian. So it is apparent that the predecessor in interest of the petitioner Hari Krishna Bajaj and also the petitioners Nishi Agarwal and Poonam Agarwal have allegedly purchased total area of 33.80 decimals of land of M.S. Plot No. 83, but in fact the actual area of land under Plot No.-83 is only 33 Kadi corresponding to 2.06 Katha or 3.4 decimals. The petitioner are claiming land which does not exists in the M.S. Record of Right and they are trying to usurp the said land of the opposite party which belongs to him and he is in possession whereof, by filing various cases, against the Opp. Party viz. Bariatu P.S. Case No. 195 of 2017 corresponding to G.R. Case No. 3477/17 registered under Sections 506/447/387/ 419/420/423/468/471 of I.P.C., Bariatu PS Case No.-200/2017 and Original Suit No.-750 of 2019.

The Opp. Party has been granted bail in connection with Bariatu PS Case No.-195/2017. The proceedings of Bariatu PS Case No.-200/2017 has been stayed vide order dated 18.08.2017 passed by the Hon'ble High Court in Cr.M.P. No. 2148/2017. The Original Suit No. 750/2019 filed by petitioners against the opposite party is pending in the court of Learned Sub- Judge- VII, Ranchi,

The aforesaid suit is pending between the same parties and the learned Court of Sub-Judge is competent to decide the genuineness of the sale deeds. Hence, the question of cancellation of the sale deed of the opposite party should be left to be decided by the said Court. So far

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the allegation of execution of Sale Deed by a dead person namely Kalyani Chatterjee in favour of the opp. party Rajendra Singh is concerned, the said matter is already sub-judice in the Ld. Court of Shri M.K. Singh, J.M. Ranchi vide Bariatu P.S. Case No. 195 of 2017 corresponding to G.R. Case No. 3477/17.

Having heard both the parties and on perusal of material available on record, I find that the petitioner has prayed to annul the sale deed being Deed No.-11669 dated 18.05.2010 claiming the same to fraudulently executed by a person impersonating herself as Smt. Kalyani Chaterjee Wife of Debi Das Chatterjee. It would be evident from the death certificate brought on record, as well as from the report of the District Sub-Registrar, Ranchi submitted upon the matter vide Letter No.-1043 dated 25.10.2018 that the aforesaid Kalyani Chaterjee died on 19.08.1989 i.e. prior of execution of the sale deed dated 18.05.2010 in favour of the present Opp. Party. As per the report dated 25.10.2018, the fact regarding death of aforesaid Kalyani Chaterjee is got fortified from the information given by the son of Late Kalyani Chaterjee namely Prabal Chaterjee. On the other hand the Opp. Party has brought nothing on record, to rebut the aforesaid evidences brought on record by the petitioner. The respondent has even not uttered any word in defense with respect of aforesaid issue raised by the petitioner.

As per Section 82 of the Indian Registration Act, a Registering Authority has been conferred with the jurisdiction to annul the sale deed, if on enquiry, it is found that such a deed has been executed by impersonation. In the instant case, the petitioner has been able to prove that the sale deed in question being Sale Deed No.-11669 dated 18.05.2010 has been executed by impersonating a dead person.

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For the reason aforementioned, Hence for the reasons aforementioned let the Sale Deed No.-11669 dated 18.05.2010 fraudulently executed in favour the Opp. Party be annulled and the District Sub- Registrar, Ranchi is directed to lodged 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 necessary action.

Dictated and Corrected by


08/12/21
Deputy Commissioner,
Ranchi.


08/12/21
Deputy Commissioner,
Ranchi.

order
communicated to
D.S.R Ranchi for
information and
necessary action
UAC Memo no
365 dated 15.2.21
15.2.21