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केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
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IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI

Mutation Revision Case No.-2 R 15/2019-20

11.12.2020

Sheikh Faruque Ansari Son of Late Juman Ansari
R/o Village Rargaon, P.S. Tamar, District Ranchi Petitioner
-Versus-
State Respondent

ORDER

Present mutation revision has been preferred against the order dated 02.03.2019 passed by the Learned Land Reforms Deputy Collector, Bundu, Ranchi in Mutation Appeal No.-65 of 2018-19, wherein and whereunder the learned Land Reforms Deputy Collector vide impugned order has dismissed the appeal preferred by the present petitioner and thereby upheld the order dated 29.08.2018 passed by the Learned Circle Officer, Tamar Anchal in Mutation Case No.-35 R 27/2018-19, whereby the learned Circle Officer rejected the application for mutation preferred by the present petitioner after holding that the petitioner has sought mutation of land apart from the share allotted to him in final decree prepared in Partition Suit No.-123/1985.

Heard both the parties. According to the learned Advocate appearing on behalf of the petitioner, the land under R.S. Khata No.-43 of Village Rargaon, P.S. Tamar, Thana No.-187, District Ranchi and R.S. Khata No.-33 of Village Dadida, P.S. Tamar, Thana No.-186, District Ranchi is the ancestral property of the petitioner and out of the aforementioned land, the petitioner Sheikh Faruque Ansari was allotted the land under Khata No.43, Plot No.-1416 area 18 Decimals, Plot No.-442 area 35 Decimal, Plot No.- 448 area 37 Decimal, Plot No.-449 area 34 Decimal, Plot No.- 450 area 05 Decimal, Plot No.-467 area 3.7 Decimal, Plot No.-759 area 10.5 Decimal and Plot No.-1253 area 33.5 Decimal of Village Rargaon, P.S. Tamar, ThanaNo.-187, District Ranchi and the land under Khata No.33, Plot No. 19 area 22 Decimals, Plot No.-20 area 16 Decimals, Plot No.-115 area 21 Decimals of Village Dadida P.S Tamar, P.S. No. 186 Dist. Ranchi by virtue of the final decree passed in partition Suit No. 123/85. The petitioner on the basis of final decree prepared in

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aforesaid Partition Suit No.-123/85, applied for getting his name mutated with respect of the aforementioned land allotted to him, which was registered as Mutation Case No.35R27/2018-2019, but due to an incomplete and wrong report submitted by the Karamchari and Circle Inspector regarding the plot numbers, the Circle Officer, Tamar rejected the Mutation application filed by the present petitioner on 29.09.2018 and the appeal being Mutation Appeal No.-65/2018-19 preferred against the said order dated 29.09.2018 passed in Mutation Case No.-35R27/2018-2019 was also rejected by the learned Land Reforms Deputy Collector, Bundu, Ranchi after holding that the petitioner has sought mutation of land apart from the share allotted to him in final decree prepared in Partition Suit No.-123/1985.

Heard both the parties and on perusal of material available on record, I find that, the petitioner has sought for getting his name mutated only with respect of the land allotted in his share by virtue of final decree passed in Partition Suit No.-123/1985. According to Section 12 of the Bihar (Jharkhand) Tenants' Holding (Maintenance of Record) Act, every person having interest in a holding or part thereof in that area by partition effected either privately or through court, or intestate or testamentary successor, transfer, exchange, agreement settlement lease mortgage gift or by any other means, shall within three months of accrual of such interest file application in prescribed form before the Anchal Adhikari of the area in whose jurisdiction that land is situated for mutation of his name in respect of that holding or part thereof in continuous khatian and tenant's ledger" and accordingly as per the aforementioned provision, the mutating authority has got jurisdiction to mutate the name of the applicant, who has acquired interest upon the land by partition either by private or through court.

On going through the impugned order, I find that the learned courts below has passed the impugned order by ignoring the aforementioned provision laid under the Bihar (Jharkhand) Tenants' Holding (Maintenance of Record) Act. Hence for the reasons aforementioned, this appeal is allowed and the order dated 02.03.3019 passed by the Learned Land Reforms Deputy Collector, Bundu, Ranchi in Mutation Appeal No.-65 of 2018-19 and order dated 29.08.2018 passed

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by the Learned Circle Officer, Tamar Anchal in Mutation Case No.-

35 R 27/2018-19 is hereby set-aside. The Petitioner is directed to file a fresh application before the Circle Officer Tamar Anchal for getting his name mutated with respect of the land allotted to him in final decree passed in Partition Suit No.-123/1985 within 4 weeks by this order.

Communicate this order to the Land Reforms Deputy Collector Bundu, Ranchi and Circle Officer Tamar Anchal for information and needful.

Dictated and corrected by me

Deputy Commissioner
Ranchi

Deputy Commissioner
Ranchi

order communicated to
D.C. L.B. Sador
Bundu for information
and N.A. vide
Memo no 1889 (i)
dt 29.12.20

29.12.20

order communicated to
L.R. S.C. Bundu
along with L.C
Record no 6518-19
SK Farooq Anson
v.s. State and
others for
information
N.A. vide
Memo no 97 (i)
dt 13.12.21

13.12.21