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अनुसूचि 4 - फारम संD 563

केस का संD ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
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30.03.2021	<p>IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI</p> <p><u>Mutation Revision Case No.- 06 R 15/2019-20</u></p> <p>Md Anwar Son of Late Md. Rahman R/o Village Burmu, P.S. Burmu, District Ranchi ..... Revision Petitioner</p> <p>-Versus-</p> <p>1- Budhwa Ahir Son of Baljnath Ahir 2- Manoj Yadav Son of Budhwa Ahir 3- Ramchandra Son of Bholu Yadav All Resident of Village Burmu, P.S. Burmu, District Ranchi ..... Respondents</p> <p>ORDER</p> <p>Present revision has been preferred against the order dated 16.11.2018 passed by the Learned Deputy Collector Land Reforms, Sadar, Ranchi in Mutation Appeal No.-10 R 15/2017-18, wherein the Learned LRDC, Sadar, Ranchi dismissed the appeal and thereby upheld the order dated 09.02.2017 passed by the Learned Circle Officer, Burmu Anchal, Ranchi in Mutation Case No.-157 R 27/2016-17, whereby the learned Circle Officer rejected the application for mutation preferred by the revision petitioner with respect of land under Khata No.-132, Plot No.-747 area 2.63 Acres, Plot No.-912 area 1.62 Acres, Plot No.-2422 area 0.66 Acres, Plot No.-2423 area 0.40 Acre of Village Burmu, P.S. Burmu, District Ranchi.</p> <p>On perusal of record, I find that, the summons issued in this revision was served upon all the respondents personally, but they did not appear in this case. Thereafter a summon calling upon the</p>	
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respondent to appear in this revision was also published in daily newspaper "Hindustan" on 21.02.2021, but inspite of repeated call no one appeared on behalf of the respondent to argue this revision. Hence after hearing the revision petitioner, the instant revision was fixed for passing ex-parte final order.

According to the Learned Advocate appearing on behalf of the respondents, the land of Khata No.132, Plot No.-747 area 2.63 Acres, Plot No.912 area 1.62 Acres, Plot No.1365 area 33 Decimal, Plot No.1366 area 63 Decimals, Plot No. 1367 area 27 Decimals, Plot No. 2422 area 0.66 Acres and Plot No.2423 Area 0.40 acres total area 6 acres 54 decimals situated at Mouza - Burmu , P.S. Burmu , P.S. No.67 District Ranchi originally stands recorded in R.S. Record of Right in the name of Bhagrath Mahto S/o Bhuidhar Mahto, by Caste Ahir. The recorded tenant namely Bhagrath Mahto sold and transferred the above described lands to Mahadeo Sahu S/o Mahrang Sahu of Village - Burmu, P.S. Burmu , District Ranchi by virtue of Registered Sale Deed being Sale Deed No.4822 dated 13.09.1945 which is entered in Book No.1 , Volume No.30 , Page No.431 to 433. Thereafter Mahadeo Sahu transferred the land of Khata No.132, Plot No.747 area 2.63 acres, Plot No.912 area 1.62 acres, Plot No.2422 area 66 decimals, Plot No.2423 area 40 decimal, i.e. measuring total area of 5 acres 31 decimals to Sheo Narain Sahu and Sk. Emam Ali by virtue of registered Sale Deed vide Sale Deed No.-3029 dated 23.04.1951.

The aforesaid purchasee Sheo Narain Sahu Sheo Narain Sahu thereafter sold and transferred his entire share to Sk. Emam Ali S/o Sk. Raju Mistri by virtue of registered Sale Deed being Sale Deed No.2647 dated 07.04.1953. In this way Sk. Emam Ali became the absolute owner of total area of 5 acres 31 decimals of land under Khata No.132, Plot No.747 area 2.63 Acres, Plot No.912 area 1.62 Acres, Plot No.2422 area 66 Decimals, Plot No.2423 area 40 Decimals, total area 5 acres 31 decimals. The said Sk. Emam Ali also got his name mutated before Circle Office Burmu and is

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2017-18, which was also erroneously dismissed by the learned DCLR, Sadar, Ranchi after holding that the revision petitioner is not exercising possession over the land in question, but infact, passing of Judgement by the Learned Commissioner in Survey Appeal No.-76/1992, issuance of rent receipt in the name of predecessor in interest of vendor, etc. prima-facie proves the semblance of possession of the revision petitioner upon the land in question. The land in question has been transferred by virtue of registered Sale Deed in the year 1945 i.e. before independence. After vesting of Jamindari the name of purchaser of the revision petitioner has been entered in Register of Village Burmu and rent is being continuously realized in his name, but the learned courts below erroneously rejected application for mutation preferred by the revision petitioner.

Heard the revision petitioner. On perusal of materials available on record, I find that, as per Section 14 of the Bihar (Jharkhand) Tenant's Holding (Maintenance of Record) Act, 1973, *Persons claiming interest by partition effected either privately or through Court or intestate or testamentary succession, transfer, exchange, agreement, settlement, lease, mortgage, gift, or by any other means shall within six month of accrual of such interest, give notice of the fact in the prescribed form to the Anchal Adhikari of the area in whose jurisdiction the land is situated, and may apply for mutation of his name in respect of that holding or part thereof in the Continuous Khatian and the Tenants' ledger Register on receipt of such information of application the Anchal Adhikari shall grant a receipt to such person.*

On going through the impugned orders, I find that, the learned courts below, while rejecting the application for mutation filed by the revision petitioner have not considered the aforementioned provisions laid under the Act of 1973. In case at hand it is apparent from the record that the demand with respect of land in question in the Register II is running at Page No.-148 Vol. I in the name of Eshaque Ansari and Abdul Rahim Both Sons of Sk.



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Emam Ali. The revision petitioner has acquired interest upon the land in question by virtue of a registered deed of sale being Deed No.-5192/4820 dated 19.08.2016 executed by Eshaque Ansari and Others, in whose name demand is running.

For the reasons aforementioned, this revision is allowed. The impugned order dated 16.11.2018 passed in Mutation Appeal No.-10 R 15/2017-18 and order dated 09.02.2017 passed in Mutation Case No.-157 R 27/2016-17 is hereby set-aside. The Circle Officer Burmu is directed to mutate the name of the revision petitioner with respect of land under Khata No.-132, Plot No.-747 area 2.63 Acres, Plot No.-912 area 1.62 Acres, Plot No.-2422 area 0.66 Acres, Plot No.-2423 area 0.40 Acre of Village Burmu, P.S. Burmu, District Ranchi.

Communicate the order to the Land Reforms Deputy Collector, Sadar, Ranchi and Circle Officer, Burmu Anchal for information and necessary action.

*[Signature]*  
30/3/21  
Deputy Commissioner  
Ranchi

Dictated and Corrected by  
*[Signature]*  
30/3/21  
Deputy Commissioner  
Ranchi

order communicated to  
D.C LB Sadar  
Ranchi alongwith  
LIC record to  
to Dist 17-18  
Lt. Anwar vs.  
Budhwa Akr  
and others) for  
information and  
necessary action  
vide Memo No 60211  
dt 6-4-21  
*[Signature]*  
6-4-21