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| फेस का सं० और 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.-36 R 15/2020-21

Abusama Ansari Son of Shakir Ansari
R/o Village Oyena, P.S. Pithoria, District Ranchi Petitioner
-Versus-

1. Md Jubair
2. Abu Talha

Both Sons of Lutfur Rahman

R/o Paras Toli, Old Nirmala College, Doranda, Ranchi

3. Abdul Bari
4. Abdul Khalik

Both Son of Late Abdul Jabbar

R/o Hindpiri Street, Near Maruti Medical, Hindpiri, Ranchi

5. Enamul Haque S/o Late Abdul Haque

R/o Purani Ranchi, Noor Nagar, P.S. Kotwali, Dist- Ranchi

6. Firoz Akhtar S/o Abdul Jalil

7. Noor Mohammad S/o Faziur Rahman

Both R/o Hindpiri, First Street, Near Maruti Medical

P.S. Hindpiri, District Ranchi Respondent

ORDER

Present revision has been preferred against the order passed by the Learned Land Reforms Deputy Collector, Sadar, Ranchi contained in Letter No.-1740 dated 20.07.2020, whereby the learned Land Reforms Deputy Collector, Sadar, Ranchi returned back the record of Misc Case No.-56 /2019-20 to the Circle Officer, Kanke Anchal, Ranchi after holding that if the matter was concerned with adjudication of right, title and interest of the parties upon the land in question there was no requirement for forwarding the record of such case.

The fact giving rise to present revision within nutshell is that, upon an application filed by the present petitioner, Misc Case No.-72/2016-17 was initiated in the Court of Learned Land Reforms Deputy Collector, Sadar, Ranchi, wherein and whereunder, the learned Land Reforms

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Deputy Collector, Sadar, Ranchi remanded the matter to the learned circle officer with an observation to forward proposal for cancellation of demand created in the names of the present respondents with respect of land under Khata No.-78, Plot No.-119, area 59 Decimals of Village Husir, Thana No.-44, District Ranchi, if it is found that the demand with respect of the aforementioned land has been fraudulently created after giving opportunity of being heard to both the parties. The learned Circle Officer on receiving the record remanded by the Learned LRDC, Sadar, Ranchi vide order dated 07.03.2020 forwarded the record with an observation that Jamabandi of the land in question in the name of Sk Jafar is running since long and the matter relates to adjudication of right, title and interest of the parties concerned upon the land in question.

Heard the petitioner. According to the learned Advocate appearing on behalf of the petitioner, the land under land under Khata No.-78, Plot No.-119, area 59 Decimals of Village Husir, Thana No.-44, District Ranchi stands recorded in the name of Panchu Shekh in the R.S. Record of Right and the petitioner and his brother are the absolute owner of the aforementioned land in question. During recent survey operation draft record of right was published in the name of Md Shakir @ Sahkirali. The land in question is recorded as kaimi and as rent the recorded tenant used to pay the product and the land was never surrendered by the recorded tenant or his legal heirs and successor. Due to unawareness and illiteracy, the ancestor of the petitioner could not mutate their names and taking advantage of the same, the respondent on the basis of forged and fabricated document managed to get jamabandi opened in his name. After receiving the record remanded back by the learned LRDC, Sadar, Ranchi, the Learned Circle Officer, Kanke Anchal, without issuing any notice to the petitioner and without affording any opportunity of being heard to him has passed the impugned order after holding that the Jamabandi of the land in question in the name of Sk Jafar is running since long and the matter relates to adjudication of right, title and interest of the parties concerned upon the land in question.

Heard the petitioner and on perusal of material available on record, I find that, the Learned Court below, without affording any opportunity of being heard to the petitioner has passed the impugned

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order which amounts to the violation of the cardinal principles of the natural justice. Hence without delving into the merit of the case, the matter is remanded back to the learned Circle Officer, Kanke Anchal to pass afresh order upon the matter after giving opportunity of being heard to both the parties within 3 months from the date of communication of this order.

Communicate this order to the Land Reforms Deputy Collector Sadar, Ranchi for information and needful.

Dictated and corrected by me

Deputy Commissioner
Ranchi


Deputy Commissioner
Ranchi