

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
06/09 /2021	<p style="text-align: center;">IN THE COURT OF THE COMMISSIONER SOUTH CHHOTANAGPUR DIVISION RANCHI</p> <p style="text-align: center;">SAR REVISION 31 OF 2012</p> <p style="text-align: center;">Salua Oraon, Budha Oraon & Others Vrs. Kishun Oraon, Mangra Oraon & Others</p> <p>SAR revision 31 of 2012 was filed by Salua Oraon, Budha Oraon, Birsa Oraon, against Kishun Oraon, Mangra Oraon, Lochan Oraon, Paklu Oraon and Induwa Oraon challenging the order of the DC Ranchi in SAR appeal No. 39 R15/2008-09. The matter pertains to the land in khata no. 18 of village Hadser which is the ancestral property of the petitioners as well as the respondents and is recorded in the name of Thibu Oraon, Boda Oraon and Govind Oraon, s/o Lakho Oraon and Nathua Oraon, s/o Chero Oraon. There are total of 46 plots in this khata, totaling 23.68 acres, area.</p> <p>In the present revision case, both the parties never attended the hearing. OP no. 2 and petitioner no. 1 were substituted on 9.11.2020 and 5.01.2021, respectively after death of original parties. After this substitution, as opposite parties were not being present, newspaper advertisements were issued. The press notice was also published but, OPs did not appear in the court.</p> <p>On 21.06.2021, hearing was fixed on 5.07.2021 as a last chance, however, on the said date, and the next date, no one was present. Again on 17.08.2021, petitioner was present but requested for time. On 23.08.2021, finally, petitioner's lawyer was heard ex-parte as OPs did not turn up. Petitioners also filed written arguments in the matter.</p> <p>On perusal of records, it transpires that SAR Case No. 20/07-08 was filed by the petitioners wherein, the SAR court interpreted the Oraon customary tribal law and ordered for restoration of the land in favor of the petitioners. The matter went in appeal in the court of DC</p>	



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	<p>Ranchi who in appeal 39-R15/2008-09, dismissed the case for default of petitioners (OPs in this case) on 3.11.2010. Subsequently, the same appeal was again re-heard and final order was passed on 11.01.2021; setting aside the order of the SAR court, against which this revision petition has been moved.</p> <p>As is evident from the records, both the parties claim inheritance from the recorded tenants. The names of Sukra Oraon, s/o Chamra Oraon, nati-raiyat of Thebo Oraon appear as occupancy raiyat in the khatiyani. Petitioners are disputing this entry in the khatiyani and claim it as illegal. There was another case appeal no. 26 of 2014-15 in the court of DCLR Ranchi wherein, vide order dated 21.10.2016, DCLR has held the entry of Sukra Oraon in the khatiyani and jamabandi as illegal and directed for deletion of the said entry. This order mentions about the SAR case wherein, the restoration order was passed. It is also mentioned that the petition for land restoration was wrongly moved and actually this was the matter of correction of jamabandi. Against this order, revision 44-R15 of 2017-18 was filed in the court of DC Ranchi which was dismissed on 06.01.2021.</p> <p>From the perusal of all these orders, it is clear that this matter is not covered under section 71 (a) of the CNT Act as there was no transfer of tribal land by means of fraud or misrepresentation. The matter completely pertains to the rights of the heirs of the recorded tenants as per the Oraon customary tribal rights. It was wrong on the part of the SAR court to deal this matter as a land restoration case when, none of the parties had claimed transfer of the land. The appellate court has passed the order and set aside the restoration order on the grounds of limitation. In this case, there was no issue of limitation as the land stand recorded in the names of the heirs and entry of Sukra Oraon finds clear mention in the RS record of rights. Thus, this SAR revision petition is not maintainable as this matter does not concern with restoration of tribal land.</p> <p>From the perusal of judgments, submitted by the petitioners it</p>	

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	<p>is clear that separate proceedings for correction of jamabandi has already been decided between the two parties by various courts. Hence, there is no reason for this court to again dwell into that matter. Hence, this revision petition stands dismissed.</p> <p>Dictated & Corrected</p> <p><i>W. K. Kamran</i> Commissioner</p> <p><i>W. K. Kamran</i> Commissioner</p>	