

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
27/09/2021	<p style="text-align: center;">IN THE COURT OF THE COMMISSIONER SOUTH CHHOTANAGPUR DIVISION RANCHI</p> <p style="text-align: center;">SAR REVISION 93/ 2011</p> <p style="text-align: center;">Narain Gadi & Others</p> <p style="text-align: center;">Vrs. Saimul Dadel & thers</p> <p>SAR revision 93/2011 was filed by Narain Gadi and Komal Gadi against Saimul Dadel and 7 others challenging the order of DC, Ranchi in appeal no. 158R15/2002-03.</p> <p>The petitioners filed a case for restoration of the land in mauza Hinoo, khata no 316 plot no 1234 area .32 acre and plot no 1237 area 1.4 acre against the opposite parties which was rejected by the SAR court. The appealate court also rejected the appeal and hence this revision petition has been filed.</p> <p>From hearing of both the parties and perusal of lower court records it is clear that petitioners are heirs of Yunas Munda, the recorded raiyat who filed a SAR case 27/99 for restoration of lands. On his death his wife and two sons were substituted as petitioners in SAR case. The SAR court after analysis of the matter found that the land is recorded as bakast bhuiyhari in the name of Yunas Munda. O.P no 4</p>	

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	<p>Salastina Dungdung and O.P no. 8 Lukas Aplowa purchased 5 katta and 32 decimal respectively from Yunas Munda after obtaining permission u/s 48 of CNT, act through registered deed and since then they are in possession. The other O.Ps entered into an agreement to purchase the land with recorded tenant Yunas Munda. After this agreement they were put in the possession and the recorded tenant filed petitions with the rent suit deputy collector to seek permission for transfer of these lands. 5 separate agreement by the recorded tenant with the O.P were also filed before the SAR court. However due to the death of recorded tenant, the matters of permission for transfer of land were left pending and not followed up. Thus SAR court held that two O.Ps have obtained the land through legal and valid means while other O.Ps have entered into agreements for the same. Thus the petitions for restoration of the land by the heirs of the recorded tenants were rejected.</p> <p>The appealate court also came to the same conclusion as the recorded tenants has applied for permission to transfer the land in possession. Clearly the matter still remains pending for permission to transfer these lands.</p> <p>The land in dispute have not been transferred through</p>	

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any fraudulent method and the recorded tenant's intent to transfer the land was clear and evident from his actions. The heirs of recorded tenants are claiming that O.P is possessing the land only on the basis of agreements and hence they should be evicted. However the recorded tenants himself have transferred the land to various O.Ps after agreement and also applied for permission to transfer these lands. Thus there was no fraudulent transfer or any grabbing of the land by the O.Ps who also belong to the ST community. Thus there is no reason to interfere with the order of the SAR courts and the appealate court. The petitioners should first pursue the applications filed seeking permission for transfer of land. Only after their fate is decided the question of restoration will arise. Thus this revision petition is dismissed.

Dictated & Corrected

W. K. ...
27/9/20
Commissioner

W. K. ...
29/9/20
Commissioner