

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;"><b>IN THE COURT OF THE COMMISSIONER SOUTH CHHOTANAGPUR DIVISION RANCHI</b></p> <p style="text-align: center;"><b>SAR REVISION 100 / 2016</b></p> <p style="text-align: center;"><b>Nisha Singh &amp; Others Vrs. State of Jharkhand &amp; Others</b></p> <p>Instant revision application was filed by Nisha Singh, Nanhu Mahato and Narayan Chandra Biswas against state of Jharkhand, Barka Mahadev Oraon and ors., challenging the order passed by the DC Ranchi in SAR appeal no. 112 R15/2014-15.</p> <p>Petitioner submits that, the land in question in khata no. 112, plot no. 395 is recorded in the name of Barka Mahadeo Oraon, s/o late Pora Oraon as kayami. The recorded tenant sold the land in question and executed oral sale deed in favor of Jayaprakash Thakur for one and half kattha of land, to Chandar Mahato and Amulya Ratan Biswas for two kattha of land for consideration price in the year 1950 after which, they constructed kacchha dwelling houses and started to live there. Presently the petitioners have constructed pakka houses and they have no other place to stay. The then special officer SAR, passed order dated 10.10.2013, under provision II of section 71 (a), CNT Act and directed the petitioners to pay the compensation to the tune of Rs. 1 lakh 30 thousand per decimal. Accordingly, the payments were made to the opposite parties which were received through the banker's cheque/draft. An enquiry was conducted by the team constituted by the DC which found that the construction on the said land was made around the year 2004. DC admitted the appeal filed by the special officer SAR and set aside the compensation orders, against which this revision petition has been filed. Special officer SAR Ranchi could not have filed the appeal when his predecessor had passed the order. The land is in no way cultivable and petitioners only have this dwelling house.</p> <p>From the state, it was stated that the enquiry conducted by the DC confirmed</p>	

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<p>that the constructions were made in the year 2004. The SAR court was misled by the petitioners who told that the substantial structures were erected before 1969. Thus, this order was obtained by playing fraud on the SAR court. It is a settled proposition of law that a judgment or decree obtained by fraud is a nullity and non-est in the eyes of law. The entire claim of the petitioner is fabricated and antedated. Hence, the order passed by the appellate court is perfectly legal.</p> <p>On perusal of records, it is clear that the petitioners also accept the land being a tribal raiyati land. They concede to have obtained this land through an oral sale deed in 1950. Obviously, such alleged sale deed cannot be accepted as a legal document. The only claim of the petitioners in the SAR court was that they have constructed the house long before and hence, the land is no more cultivable. The DC conducted a detailed technical enquiry and found that the construction is of the year 2004. Thus, the only claim of the petitioners also proved to be false. Clearly, the petitioners are holding on a tribal raiyati land against the provisions of the CNT Act. The SAR court which passed the compensation order should not have done so, but from the perusal of enquiry reports, it appears that, the said order was obtained via misrepresentation. Hence, there is no merit in this revision petition and is accordingly dismissed.</p> <p>Dictated &amp; Corrected</p> <p><i>[Signature]</i> Commissioner</p> <p><i>[Signature]</i> Commissioner</p>		