

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

**IN THE COURT OF THE COMMISSIONER SOUTH  
CHHOTANAGPUR DIVISION RANCHI**

**SAR REVISION 130/2012**

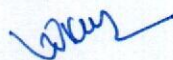
**Makhnu Oraon  
Vrs.  
Sibnath Lohar & others**

SAR revision 130 of 2012 was filed by Makhun Oraon against Shiv Nath Lohar and Chotan Lohar challenging the order of Additional Collector Ranchi in appeal case 55-R 15 of 2008-09. The matter pertains to restoration of 1.15 acres of land in khata no. 62 plot 1608 village Husir.

The SAR court allowed the restoration petition filed by the opposite party and held that the said land was surrendered in 1945, settled in 1951 and again purchased in 1965 makes it a suspicious transaction. The appellate court held that vide case no. 112 R 8 II 1963-64, a formal permission was obtained by the recorded tenant Shiva Oraon, to sell this land to the opposite parties after which the land got transferred on 12.10.1964 via registered deed. Earlier, SAR case 143 of 88-89 was filed by Kaliya Oraon which was dismissed on 29.01.1990. again, a new SAR case 57 of 88-89 was filed which got dismissed on 13.03.1997. thus, applying the principles of res judicata, the appellate court set aside the restoration orders.

The petitioners during the argument said that the land has been transferred after obtaining statutory permission and hence, there is no question of any fraudulent transfer. After the registered sale deed, land got mutated and rent receipts are issued by the state. The main contention of the petitioners is that, the opposite party is not ST and they are Lohora by caste, which is not included as a ST.

The opposite parties have argued that the matter has already been considered in SAR case no. 143 of 88-89 and 57 of 88-89. Both these orders, attained finality and petitioners never appealed against these orders. Hence, on the principals of res judicata the same matter cannot be raised again. The land



आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
	<p>has been obtained after getting statutory permission for transfer hence, there is no illegality in this matter.</p> <p>From the perusal of records, it is seen that on the petition of Shivua Oraon, rent suit Dy. Collector Ranchi granted permission to transfer the land in question to Shivnath Lohar and Chotan Lohar. This permission was granted after proper hearing of both the parties. After obtaining this permission, the land was transferred to the OP via registered sale deed following which, the lands were mutated and rent receipts were issued in the name of opposite parties. The opposite parties belong to ST as is evident from the caste certificate granted to them. There were two separate SAR cases regarding the same piece of land filed in the year 1988-89, one by Kaliya Oraon numbered 143/88-89 which was dismissed by special officer on 29.01.1990. Subsequently, another SAR case 57/88-89 was filed by Kaila Oraon, Birsa Oraon and ors for 2.30 acres of land in the same plot. This petition was heard by the LRDC court and was subsequently dismissed on 13.03.1997. There was no appeal or revision against both these orders and thus, they attained finality. The present petitioners are again trying for restoration of same piece of land which clearly comes in the purview of res-judicata. Also, the land has been transferred after obtaining statutory permission u/s 46 via registered deed. Thus, there is no claim of any fraudulent or illegal transfer of land. The SAR court merely held that the transactions are suspicious and ordered for restoration of lands which was incorrect. The appellate court has rightly held that the matter is covered by res-judicata and also the lands have been transferred after following the due procedure. Thus, there is no merit in this revision petition and is accordingly dismissed. The order of appellate court is confirmed.</p> <p>Dictated &amp; Corrected</p> <p><i>W. Kumari</i> 6/9/2024 Commissioner</p> <p><i>W. Kumari</i> 6/9/2024 Commissioner</p>	