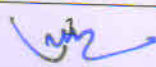


| आदेश का संख्या और तारीख | आदेश और पदाधिकारी का हस्ताक्षर   | आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ। |
|-------------------------|--|---|
| 27/09 /2021             | <p style="text-align: center;"><b>IN THE COURT OF THE COMMISSIONER SOUTH<br/>CHHOTANAGPUR DIVISION RANCHI</b></p> <p style="text-align: center;">SAR revision 228/1997</p> <p style="text-align: center;">Marry Nag<br/>Vrs.<br/>Sadruddin</p> <p>SAR revision 228/1997 was filed by Marry Nag against Sadruddin; challenging the order passed by DC, Ranchi in SAR case no 645/R15/1997. During the course of hearing opposite party no. 1 and opposite party no. 2 died. O.P no. 2 was substituted by his heirs on 08.07.2002. O.P no.1 informed about the death of OP on 24.11.2020. However the petitioner did not file the substitution petition for almost one year. Finally on 26.07.2021 petitioner was given last chance to file the substitution petition; which was finally filed on 10.08.2021. Whereas the death had occurred on 27.07.2020. The matter was kept for hearing on 24.08.2021 when the petitioner remained absent. Again on 31.08.2021 the petitioner was absent. In spite of the last chance given petitioner remained absent on 07.09.2021. Hence opposite parties were heard and both the parties were directed to file written argument within one week. Only the opposite parties filed the written arguments.</p> <p>The matter pertains to village konka MS plot 649 area 50 kadi which is recorded in the name of Ganasa Oraon and Temna Oraon. Petitioners claim that the son of this Temna Oraon handed over the land to the petitioners and left the city to stay at Khalari. Thus it is clear that the petitioners are not the heir or descendent of recorded tenants. In SAR case 427/93-94 the special officer came to the conclusion that the land in dispute was chapparbandi in nature and therefore sec. 71A of the CNT Act is not applicable. The appealate court of DC confirmed his order. Against which this revision petition has been filed.</p> |   |



| आदेश का क्रम संख्या और तारीख | आदेश और पदाधिकारी का हस्ताक्षर  | आदेश गढ़ व बारे में तारीख साथ |
|------------------------------|---|-------------------------------|
|                              | <p>The petitioners were negligent in arguing the case and even in substitution of the opposite parties. The relationship of the petitioner to the recorded tenant is not clear as they themselves claim that the land was given to them by the heir of the recorded tenant. It appears that regarding the disputed land Title suit no 218/1970 was contested between Patrus Kujur and Rahil Kujur which went right up to the Supreme Court. Rahil Kujur got his title confirmed and he transferred the land to one Sakila Bano w/o opposite party; in 1993 through registered sale deed. The land was mutated and rent is being paid since then. The municipal tax receipt, rent receipt, judgments of various title suit and title appeal make it clear that the present petitioners are not related to the recorded tenant. In fact it appears that they do not belong to the ST category also. Jaimasih Oraon and Anthony Oraon were the original heirs of the recorded tenant. The land was clearly not agriculture land as MS khatian of 1929 also mentions about "kachha makaan may sahan and aangan" recorded in the remarks column. Also the quantum of the land involved shows that the land could have not been used for agriculture purposes. Thus the SAR court came to the conclusion that this land being a chapparbandi land could not be covered under sec. 71A of the CNT act. The appealate court disposed the matter at the admission stage itself as it was convinced about the nature of the land. In this court also the petitioners have not brought on record any document or papers which may contravene the observations of the lower courts. On the contrary the claim of the petitioners over the lands itself is not clear as they have got the lands through an oral arrangement. Also the status of the petitioners being ST is not clear. In spite of repeated chances the petitioners did not prefer to present their case. In this situation there is no claim made out by the petitioners and as such this revision petition is dismissed.</p> <p>Dictated &amp; Corrected</p> <p><i>W Kumar</i><br/>27/9/2021<br/>Commissioner</p> <p><i>W Kumar</i><br/>27/9/2021<br/>Commissioner</p> |                               |