

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
23 /08 /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 24/2017</b></p> <p style="text-align: center;"><b>Mahesh Sao Vrs. Biju Oraon &amp; others</b></p> <p>The instant revision has been filed against the order passed by the Dy. Commissioner Ranchi in SAR appeal 24 R15/199-00, wherein the appellate court had ordered for restoration of land in the favor of tribal raiyats.</p> <p>The present matter was remanded by this court vide revision no. 9/2007 to the DC with a direction to pass afresh order after scrutinizing zamindari compensation record and the rent receipt granted by the ex-landlord.</p> <p>The case in a nutshell is that the special officer scheduled area regulation, Ranchi, initiated proceedings for eviction of petitioners Mahesh Sao who had illegally occupied the land pertaining to Khata no. 55 plot 1597 area 0.26 acre village Chund, P.S Mandar. In the SAR Court case no. 1073/93-94 was dismissed on the grounds of res Judicata. The tribal raiyats preferred appeal in the DC court wherein the DC vide order dated 24.08.2006 allowed the appeal and restored the land in question to the tribal petitioners. Against this order, a revision bearing no. 9/2007 was preferred before this court wherein vide order dated 26.05.2014 the case was remanded to the DC to examine the claim on the basis of zamindari compensation record. The DC examined both the parties and asked both the parties to produce the papers as directed earlier. The claim of the petitioner is on the basis of settlement in the year 1938 and erection of substantial structure in the year 1960 much before promulgation of scheduled area regulation 1969. However, the petitioners in spite of direction could not produce any papers related to return filed by erstwhile landlord. They also could not produce papers related to rent fixation or mutation in this long duration. On the contrary, it was found that the total area of 17.25 acres in khata no. 55 is running in the name of Soma Oraon and ors. with rent receipt issued in their name. Hence, the appellate court rejected the claim of the petitioner and restored the land to the tribal raiyats.</p> <p>In this court, appellant was asked to produce copies of the settlement orders, and rent receipts on 6.07.2021. on the next date, i.e. 26.07.2021, the appellant did not produce any paper or evidence to that effect. The records of earlier revision 9/2007 of this court were also called for and examined. This court had very clearly directed the DC to examine the evidence as claimed by the petitioner. However, the petitioner failed to produce any such evidence before the appellate court and hence the appellate court confirmed its earlier order. The petitioner has raised same issues again in the revision petition as raised in his earlier revision petition. In this court too, the petitioner did not produce any evidence about his possession, rent fixation or the</p>	

*Wkumar*

<p>आदेश का क्रम संख्या और तारीख</p>	<p>आदेश और पदाधिकारी का हस्ताक्षर</p>
	<p>settlement papers. The tribal parties have got a running jamabandi and continuous rent receipts in their name which goes to prove that the petitioners have no claim and they are just trying to grab the tribal land against the provisions of CNT Act. Hence, there is no reason to interfere with the orders of the appellate court and accordingly this revision petition is dismissed. A copy of this order may be sent to collector Ranchi for further action accordingly.</p> <p>Dictated &amp; Corrected</p> <p><i>W. K. Misra</i> Commissioner 28/08/2022</p> <p><i>W. K. Misra</i> Commissioner 28/08/2022</p>

*28/08/2022*