

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 31/ 2011

Rajwanti Kunwar & Others

Vrs.

Balram Oraon & Others

The instant revision was filed by Mos. Rajwanti Kunwar w/o Lt. Sarju Dubey and two sons against Balram Oraon, s/o Lt. Etwa Oraon. The petitioners have challenged the order dated 27.01.2011, passed by DC Ranchi, in SAR appeal no. 266 R 15 of 1999-2000.

The petitioners state that the land under khata no. 81, RS plot no. 122 area 44 decimal Mauja Lalpur was in the name of Dulwa Oraon, w/o Etwa Oraon. The said owner in the year 1945, orally transferred 16 decimals land out of this plot and the petitioners came in possession of this portion of land. His possession was duly confirmed by the Munsif court in title suit 592 of 1963. After which, petitioners constructed house and got his name mutated and regularly paying holding tax to Municipal Corporation. The present petitioners inherited the property and are residing there. The land in question was never agriculture land and petitioners are staying in this plot after constructing the house since long. They have thus acquired valid right, title and possession over the land. The SAR court on the application of the opposite parties allowed the restoration of the land in SAER case 60 of 1998-99. At that time, Surju Dubey had already died on 10.07.1997. however, special officer passed the order against him. The petitioners filed appeal in the court of DC Ranchi who upheld the order of SAR court. The main ground taken by the petitioner is that, the land is a chapparbandi land and hence, cannot be restored under CNT Act.

The opposite parties argue that the petitioners are occupying the tribal land illegally. They have no ground to claim the land on the basis of compromised title suit which is not acceptable and opposite parties were never party to that. Since, the land was obtained through fraud, it has to be restored to the tribal raiyats.

In this court, petitioners filed one petition on 21.09.2020 stating that, the sole opposite party Balram Oraon, died on 22.01.2004 and thus, his wife and son needs to be

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	<p>substituted as the opposite party. They also claimed that they got this information on 21.01.2019. This court, relying on this application, allowed the substitution. However, the perusal of records clearly shows that this application itself was malafide and completely false. The petitioners had filed an application in the court of DC dated 12.03.2010 wherein, they have stated that since Balram Oraon has died, it is necessary to substitute his heirs and accordingly, had prayed for substitution by Amit Khalko s/o Balram Oraon and 5 others s/o brothers of Balram Oraon. The DC had allowed this substitution on 12.03.2010, after which notices were sent to the opposite parties and after hearing of both parties, a final order was passed on 27.01.2011. Thus, it is clear that the petitioners were aware about the death of Balram Oraon in the year 2010 itself. Still, they filed this revision application on 13.04.2011, making Balram Oraon; a dead person; as a sole respondent. Clearly, this petition is fit to be dismissed on this ground alone. However, the presiding officer of this court has allowed the substitution of parties on 3.11.2020, on the basis of petitions submitted by the petitioners. The petitioners themselves have conceded that the land in question is a tribal land which they obtained through an oral settlement, which has no evidentiary value. The petitioners also tried to get a compromised title suit between the parties just to create additional evidence. The petitioners have submitted Municipal tax receipts of the year 1998-99 which goes on to show that the said constructions have taken place during 1998-99. It is an admitted fact that the land in question belongs to Duliya Oraon and has been transferred on the basis of a compromised title suit which is against the provisions of CNT Act. The SAR court and the appellate court have dealt with all the issues conclusively, which requires no interference. The conduct of the petitioners in filing this revision application against a dead person itself is highly suspicious. Hence, this revision petition is dismissed.</p> <p>Dictated & Corrected</p> <p><i>[Signature]</i> Commissioner</p> <p><i>[Signature]</i> 6/11/20 Commissioner</p>	