

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 COMMISSIONER SOUTH CHHOTANAGPUR DIVISION RANCHI</b></p> <p style="text-align: center;"><b>Sagir Ansari ors Vrs. Jagannath Pahan</b></p> <p style="text-align: center;"><b>SAR Revision 39/17</b></p> <p>Instant revision 39/2017 was filed by Sagir Ansari and ors Vrs. Jagannath Pahan and ors. Challenging the order of additional collector Ranchi dated 26.09.2017 in SAR appeal case number 94R 15/2008-9, wherein AC Ranchi has restored the suit lands to the opposite parties.</p> <p>This revision case was earlier heard by this court and remanded back to the collector to pass a fresh order after making proper enquiry on the following issues:</p> <ol style="list-style-type: none"> <li>I. Whether surrender and settlement was acted upon or not.</li> <li>II. Since the land has been recorded as kabil lagan how and when the rent was fixed.</li> <li>III. What was the basis of mutation case no. 7103 R 27/13-14 in the name of Allimuddoin Ansari.</li> <li>IV. How rent receipt with respect of land in question is being issued in the name of both the petitioner and respondent.</li> </ol> <p>After remand from this court, the additional collector again heard both the parties and deliberated upon these issues in detail and held that the petitioners in this case have fraudulently dispossessed the respondents in this case from the land in question and thus ordered for restoration of the land in the favor of tribal raiyats.</p> <p>In this court, the appellants have raised the same issues and argue that they are in possession of the land since 1938. The SAR court and the Appellate court had earlier rejected the claim of restoration. However, after remand from this court, to examine on the four grounds the AC has allowed the restoration. The said lands already stand mutated in the year 2013-14 and the conclusions drawn by the AC court are not correct. The petitioners have filed copy of original settlement deed, copy of Hukum Nama, Copy of zamindari rent receipts, online rent receipt, correction slip and Bandaparcha issued in their favor.</p> <p>On the other hand the respondents have argued that they are having continuous rent receipts in their name. The land belongs to tribal khatiyani. The appellants are trying to dispossess the tribal raiyats by using various methods and process of various courts. The AC court has rightly concluded the four issues as remanded by this court and</p>	

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	<p>hence, the order of appellate court requires no interference. They have filed continuous rent receipt to date and also khatiyan of khata no. 67.</p> <p>After hearing both the parties and perusal of case records, it is clear that the land in question is located in Mauja, Chandwe, R.S. Plot no. 2 and 4 total area 0.98 acres is recorded in Khata no. 67 in the name of Shitla Pahan, Khokha Pahan, Tribe Munda as Kayami. The jamabandi of this land is still running in the name of tribal raiyats and regular rent receipts are being granted to them. The claim of petitioners is based on hukumnama dated 25.03.1938. The instant matter was remanded by this court to the appellate court to determine afresh on the four issued as mentioned above. The appellate court has dealt with each issue in detail, heard both the parties and has concluded that the rent with respect of the land in question was fixed vide rent fixation case no. 01 of 1966 in the name of tribal raiyats. This makes it clear that the tribal raiyats were in possession of the land till 1966. During the preparation of draft record of rights, again, khanapurti has the name of tribal raiyats. On the basis of these two documents, it can be inferred that the said settlement as claimed was not acted upon and rent was already fixed for the said land. From the perusal of correction slip issued in the favor of petitioners in mutation case of 2013-14, it is clearly mentioned that the said mutation has been carried out on the basis of earlier order passed by the SAR court. There was no jamabandi or rent fixation in the name of petitioners before 2011. Petitioners could not produce any document or evidence to that effect in this court too. It is clear that the mutation in the year 2013-14 was allowed on the basis of hukumnama and settlement of 1938 which in itself raises serious doubts about the possession of the petitioners. There is no reason or no evidence to counter the findings of the Additional Collector and the conclusions drawn by the appellate court appear to be perfectly valid and correct.</p> <p>Considering the above circumstances, there is no reason to interfere with the orders passed by the appellate court in SAR appeal no. 94 R 15/2008-09. Hence this revision petition is dismissed. A copy of this order may be sent to Additional Collector Ranchi for further action accordingly.</p> <p>Dictated &amp; Corrected</p> <p><i>W. Kumar</i> Commissioner</p> <p><i>W. Kumar</i> Commissioner</p>	