

आदेश का  
संख्या और  
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की  
गई कार्रवाई के  
बारे में टिप्पणी  
तारीख के  
साथ।

IN THE COURT OF THE COMMISSIONER SOUTH  
CHHOTANAGPUR DIVISION RANCHI

27/09/2021

Revenue revision 51/2009

Hariya Mahato  
Vrs.

Nagendra Nath Mahato

Revenue revision 51 of 2009 was filed by Hariya Mahato against Nagendra Nath Mahato challenging the order passed by the charge officer Ranchi, in revision case number 133 of 2008. The lands involved in the appeal are R S plot numbers 658, 660, 661, 662, 684, 674, 890 and 701 under khata number 53, Aanchal Tamar, district Ranchi, area 2.81 acre.

In this case, after the death of appellants, his heir wife and two sons there substituted as petitioners.

The case of the appellants is that the disputed land was recorded in possession of father of appellant and his name was recorded in the remarks column of RS khatian. After his death his son Hariya Mahato inherited and came in possession of the land. During the current survey Banda parcha was also prepared in the name of petitioner. Father of the respondent Giri Mahto filed a Title suit no. 40 of 1987 against Hariya Mahato in court of sub judge 3 Khunti, which was dismissed on 23rd July 1994. Respondents preferred Title appeal number 107 of 1994 which was also dismissed by the Ld. first AJC Khunti on 21.8.2004. Thus the claim of the appellant with respect to the disputed land has been decided by the Civil courts and the appellant is entitled to get a record of rights prepared in his name. Petitioners are also paying the rent to the state regularly.

The respondents argue that the present appellant has filed this appeal against the order of the charge officer in revision case number 133 of 2008. The appellant has concealed the material facts before this court and did not disclose that prior to the filing of Survey appeal no.133 of 2008 another proceeding between the father of the respondent Giri Mahato and present appellant was filed before the Charge officer. This case was registered as revision case number 67 of 1992 and the revision was allowed on 31st December 1993. Against the order passed by the Charge officer Ranchi in survey revision case number 67 of 1992, the present appellant never filed

1  


आदेश का  
क्रम संख्या और  
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश  
गई का  
बारे में लिखित  
तारीख का  
साथ।

any appeal before this court. Another revision petition was filed vide case number 133 of 2008 for similar reliefs. The charge officer after finding that the matter has already been decided in another case by Charge officer, rejected the revision petition number 133 of 2008, as it was barred by principles of Res-judicata. It is relevant to mention that the survey is going on and it was not concluded. As once revision case the number 67 of 1992 was decided no order can be passed again on the same matter. Thus there is no requirement for interference in the order passed by the Charge officer and the present survey appeal is fit to be dismissed. The respondents have also filed a copy of the orders passed in the earlier case under section 89 vide case number 67 of 1992.

From hearing of both parties and perusal of records it is clear that the Charge officer refused to entertain the revision petition on the grounds, that it was already decided in the earlier case by the same court. The charge officer could not have heard the matter again which was decided by his predecessors. The petitioners are not ready to divulge these details and are relying on the judgements passed in the title suit in their favor. The fact also needs to be considered that the judgement of the title suits mentioned by the petitioners in this court were not available before the charge officer's Court. Petitioners are challenging the orders passed by the Charge officer in case number 133 of 2008 in this revision. Clearly the order passed by the charge officer is fully justified and does not need any interference. The petitioners have concealed the details about the earlier case before the Charge officer and the orders passed in that case on the same matter. Clearly the petitioners are trying to open the orders passed in the case number 67 of 1992 in a clandestine manner. Petitioners are free to get the orders of the Civil Court complied with through the proper mechanism. They cannot be given any relief from this court on the basis of order passed by the Charge officer in case number 133 of 2008. Thus this revision petition is accordingly dismissed.

Dictated & Corrected

*W. K. K. K.*  
Commissioner

*W. K. K. K.*  
Commissioner