

आदेश का 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;">IN THE COURT OF COMMISSIONER SOUTH CHHOTANAGPUR DIVISION RANCHI</p> <p style="text-align: center;">SAR Revision 63/2002</p> <p style="text-align: center;">Sirka Munda, Madi Munda Vrs. Hari Oraon</p> <p>The instant revision was filed by Sirka Munda, Madi Munda and ors. v. Hari Oraon and ors. wherein, the order of Add. Collector Ranchi, passed in SAR appeal 309 R15/98-99 was challenged.</p> <p>The appellate court vide its order dated 22.02.2002, had dismissed the claim for restoration of tribal lands. This appeal was filed in this court with the delay of 20 days. The appellants have remained absent on most of the dates. Regular reminders and notices were issued to the parties to argue the case. On 19/02.2013, OP's informed that some of the OP's have died and petitioners were directed to substitute the legal heirs. However, the petitioners did not file any proper substitution petition and on 2.07.2013, only one son was substituted in the petition. Even this substitution petition was not approved by the court, as the petitioner remained absent. On 2.01.2020, the then commissioner heard the parties ex-party and finalized a date of 5.01.2021, for the final hearing. Again the petitioner remained absent and OP was directed to file the written arguments. On 13.07.2021, one last chance was given to the petitioners for hearing on 26.07.2021. on that date also, there was no step from the petitioner. Hence, the OP was heard. They argued that, the land in question has been purchased through auction purchase through registered deed. There is no question of any forceful/fraudulent transfer of land and hence, this case is not maintainable on any ground.</p> <p>On perusal of records of the lower courts, it is found that SAR court passed the final order on 18.10.1995 against which appeal was filed in the court of DC on 10.12.1998 i.e. a delay of more than 3 years. The appellate court has not dealt with this delay in its order. The SAR court has examined the issue in detail and has rejected the claim of restoration under section 71 a of the CNT Act. The conduct of the petitioner in the appellate court, as well as in this court has been negligent and they have never bothered to pursue the case in this court. In the appellate court too, they</p>	

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filed the appeal after 3 years delay without any cogent justification. The land in question, has been purchased through registered auction purchase in the year 1942. The appellants had never bothered to file the restoration petition in time, neither have they any papers like rent receipts etc. Hence, considering the circumstances, 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 Additional Collector Ranchi for further action accordingly.

Dictated & Corrected

W. K. Misra
25/08/2024
Commissioner

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25/08/2024
Commissioner