

देश का
संख्या और
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की
गई कारवाई के
बारे में टिप्पणी,
तारीख के
साथ।

IN THE COURT OF THE COMMISSIONER SOUTH
CHHOTANAGPUR DIVISION RANCHI

SAR REVISION 93/2008

Dal Govind Bedia and Sheetal Bedia
Vrs.

Hulas Devi w/o Kaleshwar Sahu & Others

SAR Revision 93 of 2008 was filed by Dal Govind Bedia and Sheetal Bedia against Hulas Devi w/o Kaleshwar Sahu, challenging the order passed by DC Ranchi in case no. 62 R15 of 2007-08.

After the death of the opposite party, her legal heirs were substituted. Mentionable that this substitution petition was filed by opposite party themselves, which was allowed by this court on 8.03.2016. The petitioners were never present in this court after the case was admitted on 31.05.2010. Even the substitution of OP was carried out on the basis of petition submitted by the OP. Repeated last opportunities for hearing were given to the petitioners to put up their case but, except on one date, 25.02.2019, petitioners were never represented. Hence, the matter was heard ex party on 16.08.2021.

Originally, SAR case no. 56 of 2006-07 was filed by the petitioners for restoration of their land located in gram Id, circle Angara, khata no. 22 in various plots totaling to 5.15 acres. The LRDC court after hearing of both parties and calling reports from the circle officers concluded that the land was duly transferred via registered sale deed in 1948 to the opposite parties, by the ancestors of the petitioner. The opposite parties are in possession of the same since then and the land stands mutated in the name of opposite parties. 0.06 acre of the said land was acquired for hydro-electric project, the compensation of which was also paid to the opposite parties. The lower court has also held that the petitioners were not the scheduled tribes when this land was transferred in 1948. On the contrary, Bedia was included in the list of STs only from 27.07.1977. Thus, the claim of restoration was rejected. The appellate court also

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confirmed the same findings against which this revision was filed.

The petitioners in their original petition have raised the issue that the SAR court did not allow the parties to produce evidence which was necessary in this case. The appellate court also rejected the same and that the possession of opposite party has been decided on the basis of report of circle officer which is not correct.

The opposite parties argued that Bedia was never in ST Categories in 1948 when the land was transferred via registered deed by the father of the appellants. There was no question of any fraudulent transfer in this case. The Bedia cast was included in the ST list vide notification dated 1.05.1976 giving effect from 27.07.1977. The said notification had no retrospective effect. Thus, the petitioners cannot claim the restoration of land under section 71(a). The LA case 14/69-70 clearly established the possession and title of the opposite party and they were also paid compensation for the same. Thus, there is no reason to interfere in the orders of the lower courts.

On perusal of records, it is clear that the land was transferred on 17.02.1948 through registered deed to Hulas Devi. Her name got mutated and they were paying the rent to the government since then. The records of LA case no. 14 of 69-70 clearly shows that LA compensation was paid to the opposite parties being the land owners. The petitioners belong to Bedia community which was included as Scheduled Tribe through a government notification with effect from 27.07.1977. Thus, the petitioners did not come in the purview of section 71 (A) at the time of transfer of land. The land has been transferred via registered deed thus cannot be held as fraudulent. Petitioners have raised the issue of not allowing the evidence by the SAR court. The report of the circle officer, entries in register II records of LA case were available for the SAR court which makes it clear about the ownership of the land. The application for restoration does not mention the year and method of dispossession as alleged by the petitioners. Thus, there was no reason for the lower court to have asked for oral evidence of either parties. This land did not belong to tribal khatiyani raiyat in 1948 and



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hence, was not in the purview of section 71 (A). The lower courts have rightly rejected the claims of restoration of the land. The petitioner in this court did not put any evidence or argument which can negate the findings of the SAR court and the appellate court. They were negligent enough to not even substitute the sole OP. It was only on the information from the OP, the presiding officer of this court graciously allowed the substitution even in the absence of petitioner. Thus, this revision petition has no merit and is accordingly dismissed.

Dictated & Corrected

W. Kumari
12/4/2024
Commissioner

W. Kumari
12/4/2024
Commissioner