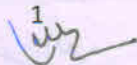


आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
01/11/2021	<p align="center">IN THE COURT OF THE COMMISSIONER SOUTH CHHOTANAGPUR DIVISION RANCHI</p> <p align="center">SAR Revision 96/2011</p> <p align="center">Ram Kumar Sahu & Others Vrs. Ratanbabu & Others</p>	
	<p>SAR revision 96/2011 was filed by Ramkumar Sahu and others against Ratanbabu and other challenging the order of DC, Ranchi in SAR appeal 24R15/09-10 wherein the order of SAR court in case no 615/05-06 was confirmed. The land in question are located in mauja Tati thana no 174 khata no 253 plot no 1162 and 1163 area 1.06 acre total.</p>	
	<p>The appellants claim is that the disputed land is recorded as bakast malik with Bigu babu as lagan panewala. The said Bigu babu was landlord/tenure holder who settled 99 decimal of land to Kartik Sahu F/o Munsu Sahu by virtue of hukumnama in the year 1947. Kartik Sahu came in possession and paid rent to the landlord and subsequently to the govt. and obtained rent receipts. The other lands in plot no 1163 are recorded in the name of Manki Diwansahi as bakast. This land was settled by his son Ladhu Sahu in 1954 with ancestor of appellants Kartik Sahu. The landlord had all the powers to settle the land with others and accordingly</p>	

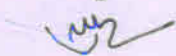
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Kartik Sahu came in possession and obtained receipts. In 1967 the opponents started raising objection about the possession of the land and hence a title suit 95/1967 was filed which ended up in a compromise. In the recent survey the land stands recorded in the name of Munsu Sahu F/o the appellants, thus the claim of restoration is clearly time barred and is not maintainable. In a land acquisition reference case no 6/2014 the Ld. LA judge also held the claim of O.P to be correct the compensation was paid to them. There was no violation of the provisions of sec 46 and no fraudulent methods were adopted in the transfer of the land. The land were acquired on the basis of valid settlement in the year 1947. The landlord having bakast, jirat rights can settle the land in favour of any non tribals. The petitioners have also acquired the title by adverse possession as they are in possession of the land for more than 50 years. Thus the orders passed by the lower courts are fit to be set aside. The petitioners have also filed the copies of khatiyani, hukumnama, rent receipts issued by the landlord and the govt. The registered sale deed executed by Manki Ladhu Sahu and the banda parcha.

The O.Ps have argued that they are the legal heirs of the recorded tenants Bigu babu and the lands are bakast



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आदेश और पदाधिकारी का हस्ताक्षर

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

malik. After the order of the DC the respondents were given the possession of the lands in 2011. The appellants have obtained the land through collusive title suit which is not binding on the tribal raiyats. No claim of adverse possession can be raised on the basis of such compromise decree. This revision petition thus has no merits and is fit to be dismissed. The O.Ps have mentioned orders of hon'ble high court in their support.

It is undisputed that the land stands recorded in the khatiyas as bakast malik Bigu babu. The petitioners claim the settlement of the land through a hukumnama executed by Bigu babu for 99 decimal of land. They have also produced rent receipts granted by the Bigu babu and subsequently by the govt. which goes to show that they acquired the lands in 1947. The question which remains is the power of tribal raiyat to transfer his lands through such sada hukumnama. The other plot of 7 decimals has been acquired in 1954 by the petitioners from the manki Laghu Sahi. No prior concurrence of DC was obtained in either of these transactions. A title suit was filed by the petitioners ancestors and it ended up in a compromise decree which cannot be accepted as a formal transfer as per rules. Both the transactions of land and the collusive title suit goes against

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	<p>the basic principles of provisions of CNT act which accord special protection to the lands of tribal raiyats. Petitioners are trying to show that Bigu babu being a landlord has the power to settle the land with non tribals also. However the provision of CNT act does not allow any tribal raiyat to part with his lands in any manner unless without following the prescribed procedure of obtaining the permission from the competent authorities. Also manki or the landlord could not have settled tribal land with a non tribal going against the provisions of the CNT act. The entire case of the petitioners is based only on this premise which cannot be held legally correct. The SAR court and the appealatte court has rightly discussed the issues and disposed the matter rejecting the claims of the petitioners. There is no new claim which needs to be re examined by this court. Hence this revision petition is accordingly dismissed.</p> <p>Dictated & Corrected</p> <p><i>W. K. Kamari</i> Commissioner</p> <p><i>W. K. Kamari</i> Commissioner</p>