

आदेश की क्रम
सं० और तारीख



उपायुक्त-सह-जिला दण्डाधिकारी का न्यायालय, गिरिडीह।

(Email id :- dccourt.grd@gmail.com)

B.P.P.H.T. Restoration Case No.-10/2011

Ramu Ram -vs- Kadiran Bibi & Others

ओदश पर
की गई
कार्रवाई के
बारे में
टिप्पणी
तिथि सहित

1

2

3

17.07.2020

Record has been presented. The present case has been filed by the petitioner u/s. 15 of the Bihar Privileged Person Homestead Tenancy Act, 1947 against the opposite parties.

The summary of this case in brief that the grandfather of the petitioner Late Sukar Kahar got some Gairmajurwa Khas land by virtue of Parcha belongs to Khata no. 8, Plot no. 15(No. 0015/136 & 15/131), Thana no. 26, Mouza-Jhabdatand, Anchal-Bengabad under BPPHT Act which has been mutated and recorded in Register-II. After the death of the Parchadhari, his three sons became on possession of the said land and still in possession and cultivating the same. That on 10.02.2011 opposite parties got 60 decimal of the said land by Sale deed no. 2474/2272 executed by Mahabir Ram. Being aggrieved with this Sale Deed as it was against the BPPHT rules, the petitioner has filed this case for the restoration of wrongly sold land u/s. 15 of the Bihar Privileged Person Homestead Tenancy Act, 1947 as Land of Parcha can't be transferred by any means.

The learned counsel of the appellant states that the grandfather of the petitioner namely Sukar Kahar had been settled with altogether 2.83 acres of Gairmajurwa land belongs to khata no. 08, plot no. 15 allotted with Batta Khata no. 8/16, Batta plot no. 15/136, area 1.83 acres and 15/131(Khas) area 1.00 acre within one boundary by virtue of Parcha under the Bihar Privileged Person Homestead Tenancy Act, 1947 coupled with Govt. rent receipts. Said Sukar Kahar died leaving behind three sons namely; 1.Mahabir Ram(Father of the petitioner), 2.Teko Ram and 3.Genda Ram who all inherited their father. The opposite party by practicing fraud upon Mahabir Ram who was an old infirmed person, incapable to perceive right got a registered Sale deed no. 2474/2272 dated 10/02/2011 in respect of 60 decimals of land out of settled land in the name of his father incorrectly described in the recital of said Sale deed, Khatiyani land of recorded tenant, Sukar Kahar. In fact, Sukar Kahar had no khatiyani land as alleged in the Sale deed and prayed for cancellation of alleged Sale deed and restoration of Possession.

The learned counsel of the respondents filed their Show Cause in which they made out their case that Mahabir Ram, Vendor of the Sale deed in question was settled Raiyat and Survey Khatiyani is prepared in the name of his father, Sukar Kahar and Mahabir Ram sold the land in dispute in his favour was in fact his Khatiyani raiyati land.

After the perusal of records, it appears that Sukar Ram was granted Parcha of Gairmajurwa land settlement in respect of 1.83 acres of land of Batta Plot no. 15/ 136 and 1.00 acres of land of Batta Plot No. 15/131(khas) of under Batta Khata no. 08/2016 under Thana no. 26, Village-Jhabadatand, Anchal-Bengabad, District- Hazaribagh now Giridih and after his death, the said land devolved upon his legal heirs including petitioner. The opposite parties have failed to prove that the land in dispute is Khatiyani land of his vendor of sale deed in question neither filed any such revenue documents in support of her claim. It is also revealed that if the father of Ramu Ram(appellant) had already 60 dec. land then his name must have been recorded in Khatiyani which does not exist.

In such circumstances, the Sale deed no. 2474/2272, dated 10/02/2011 executed by Mahabir Ram in favour of opposite parties in respect of 60 decimals of land of khata and plot in dispute is in contravention of the provisions of Section 09 of the Bihar Privileged Person Homestead Tenancy Act, 1947 and nonest under law and petitioner is entitled for restoration of possession over land in dispute and hence the appeal is hereby allowed.

Let the order be informed to the parties concerned.

Dictated and Corrected.



Deputy Commissioner

-Cum-

District Magistrate , Giridih



Deputy Commissioner

-Cum-

District Magistrate , Giridih