

आदेश की क्रम
सं० और तारीख



उपायुक्त-सह-जिला दण्डाधिकारी का न्यायालय, गिरिडीह।

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

Miscellaneous Revision Case No.-02 / 2020

Santosh Yadav & Others -vs- Md. Suddin & Others

ओदश पर
की गई
कार्रवाई के
बारे में
टिप्पणी
तिथि सहित

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18.12.2020

Record has been Presented. From the perusal of records, it appears that the order passed by the Hon'ble High Court of Jharkhand, Ranchi dated 21.10.2019 in W.P.(c) No. 3739 of 2017 between Md. Suddin -vs- State of Jharkhand & others in which the Order dated 17.04.2017 passed by this court has been quashed and remitted back for fresh hearing and to pass order within three months from the date of receipt of copy of the order of the Hon'ble High Court.

A petition along with copy of ordersheet dated 21.10.2019 has been filed before this court on behalf of 1st party on 20.12.2019. The record has been put up before this court on 31.01.2020 and notice has been issued to both the concerned parties but the 2nd party has remained absent for a long period. Ultimately the learned counsel of the 2nd party has seen the record on 21.09.2020 and submitted oral statement that his client has filed L.P.A. against the order dated 21.10.2019 passed by the Hon'ble High Court in W.P.(c) No. 3739 of 2017, but neither he has filed any copy of L.P.A. nor any copy of stay order, if passed by the Hon'ble Court.

The present Revision has been filed by the 1st party against the order dated 26.09.2015 passed by the learned Land Reforms Deputy Collector, Giridih in Misc. Jamabandi Cancellation case no. 06/2013-14 between Md. Suddin & others -vs- The Headmaster, Upgraded Middle School, Bhurai.

The summary of this case in brief that 30.54 acres of land in Village-Palmo, P.S.-Tisri, Dist.-Giridih was recorded in survey khatian as Gairmazurwa khas land 'Parti Pathar' in nature under Khata no. 13, khewat no. 05, Thana no. 73. Sri S.P. Singh(I.A.S.), Coal Mines Welfare Commissioner, Dhanbad had requested to the Dy. Commissioner, Hazaribagh for acquiring 3.45 acres of land at village Palmo/Bhurai, P.S.-Gawan vide letter no. 51, dated 02.06.1954 for construction of multipurpose institute and also requested to take necessary steps for transfer of Gairmazurwa khas land to Mica Mines Labour Organisation. Again Mica Mines Labour Org. under Ministry of Labour, Central Govt. sent a Map Plan showing 3.45 acres of said multipurpose centre vide letter dated 27.10.1954 in answer to letter dated 28.06.1954 of Additional Collector, Hazaribagh. In such manner Executive Officer, Mica Mines Org., Karma had requested to Additional Collector, Hazaribagh to expedite transfer of 3.45 acres of land to his organization. In reply to the said letter, Additional Collector, Hazaribagh informed the Executive Officer, Mica Mines Org., Karma vide letter no. 4301, dated 19.08.1955 that matter has been referred to the Govt.

Later on in 1981, after closing of Mica mining operation, the same stood closed and the Central Govt. handed over the school and such 3.45 acres of land out of Plot no. 571 in its possession to State Govt. At present State Govt. is in

possession over the same and the land in dispute is in possession of school and is being used as a play ground of School.

The summary of the case of the Opposite party in brief is that they are claiming the land in dispute on the basis of unregistered Hukumnama granted by the then Landlord Badku Manjhi dated 15 Bhado 1342 Saal Fasli in the name of their ancestor Alizaan Mian and others. They have also claimed that the then landlord Badku Manjhi had submitted return through Compensation Case no.-132/1955-56. They have further claimed that they had transferred 21.75 decimals of their acquired land by registered sale deed to Muslim Ansari. They further claim that they were paying rent to State Govt. and obtaining rent receipts and the revenue authority has no jurisdiction to cancel long standing Zamabandi running since 1972. Also they've filed Title Suit no. 328/2015 between Md. Ibrahim and others -vs- Santosh Yadav(1st party).

From perusal of the documents available on record and hearing the parties, it appears that 1st party is claiming 3.45 acres of land as Govt. land through several papers since 1954. Earlier it was in possession of State Govt. After transfer, it has come to Central Govt. and has been handed over along with the school to State Govt. in 1981. Upgraded Middle School, Bhurai is functioning over the same. Children of local villagers are studying therein and using remaining land as a playground of school.

On the other hand 2nd party is claiming the land in dispute on the basis of unregistered Hukumnama granted by Ex-landlord Badku Manjhi, S/o-Chudka Manjhi of Khewat no.-5. But from the perusal of said documents, it appears that the same has been filed by one Chaman Mahto of Khewat no.-6 of village-Palmo, which is contradictory to each other and doubtful.

In the aforesaid circumstances, it seems that the 1st party members have succeeded to establish his claim over the land in dispute, whereas 2nd party members have failed to establish their grounds. Jambandi running in the name of 2nd party members is doubtful and in the light of judgment passed by the Hon'ble High Court of Jharkhand, Ranchi in W.P.(C) No.-881/2002 between Jagdeo Mahto -vs- Commissioner, North Chhotanagpur, Hazaribagh the present Revision is liable to be allowed.

In such circumstances, the order dated 26.09.2015 passed by the LRDC, Giridih is hereby set aside and the present Revision is hereby allowed as well as the Jambandi running in the name of 2nd party members in respect of 3.45 acres of land in dispute under Khata no. 13, Plot no. 571 is hereby cancelled.

Circle Officer, Tisri is directed to take necessary action on the aforesaid context as well as enquire the Jambandi running for remaining land of Khata no. 13, Plot no. 571 etc. in the name of 2nd party members or their ancestors. Let the copy of judgment be supplied to the parties concerned.

Dictated and Corrected.

Deputy Commissioner
-Cum-
District Magistrate , Giridih

Deputy Commissioner
-Cum-
District Magistrate , Giridih