

In the Court of the Sub Divisional Officer,
Mahagama

Rev. Misc. Case No- 06/2023

Kailash Kumar Tibrewal

Vs

Rajeev Ranjan Bhagat

27-03-2023

-: Order :-

Heard learned counsel for both parties and also perused the report of concerned CO. Upon careful hearing of both parties and perusal of report, following observations were made:

1. Both the parties in the case are not the legal heirs of the land in dispute. 1st party is claiming land through Hukumnama and 2nd party is claiming land through power of attorney.
2. CO, Mahagama in letter no 379 dated 10.03.23 has reported that 1st party has submitted Form M related to rent roll, copy of Hukumnama and rent receipts as their basis of claim on the land in question.

First party has failed to submit copy of the return on basis of which the mutation has been done. Learned counsel of the first party argued that the basis of the mutation of land is the Hukumnama. However, copy of return was not filed in the court. In absence of any certified legal document as basis of mutation, the mutation done in favor of first party becomes dubious.

3. CO, Mahagama in letter no 379 dated 10.03.23 has also reported that the 2nd party has been claiming the land on basis of Power of Attorney document which contains only the name of the Mauja. There is no mention of land details including Jamabandi number, plot no etc. Also, the power of attorney has not been given by all the legal heirs.

Upon close scrutiny of the document, it was observed that the POA (Power of attorney) doesn't consist of vital and significant land details like khata no, plot no, chauhaddi of the land, Rakwa etc for which the POA has been given to the 2nd party. Also, POA has only been given by Nigam Kumar Dhandhanian, Navneet Kumar Dhandhanian and Sanjay Kumar Dhandhanian whose share of land and other specific details are not mentioned in the POA resulting in scope for potential misuse of the document and further land disputes. The Power of attorney prima facie seems incomplete, disputed and



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inconclusive. The document was not considered in this court primarily because of the ambiguity and incompleteness of the document which questions the locus standi of 2nd party. It is, however, within the power of only the competent court to determine the legal sanctity of the Power of Attorney.


Conclusion

It has been concluded that both the parties have failed to establish their legal claim/entitlement with respect to the land in question. Both the parties in this case have filed multiple cases in various courts (as admitted by both parties themselves). Determination of title is beyond the ambit of this court and can be established only in the competent court. It shall not be justified to pass an order when both parties have failed to establish their locus standi clearly with respect to the land in question. Case is, thus, disposed of.

Dictated and corrected by me.


27-03-23

Sub-Divisional Officer,
Mahagama.


27-03-23

Sub-Divisional Officer,
Mahagama.

System
24/5/23
Ullam for Vard
Adv.
24/5/23