

उपायुक्त का न्यायालय, कोडरमा

मिस्लेनियस केस नं०-19/ 2015

रूपा सामंता बनाम झारखण्ड राज्य।

आदेश

04.2.17

आवेदिका श्रीमती रूपा सामंता पिता-स्व० विक्रमजीत सामंता, ग्राम-कानूनगोबिगहा, पोस्ट व थाना-कोडरमा, जिला-कोडरमा द्वारा यह वाद दायर किया गया है। तत्कालीन उपायुक्त कोडरमा के आदेश ज्ञापांक 2620 दिनांक 29-09-2011 द्वारा मालगुजारी रसीद निर्गत नहीं करने का आदेश दिया गया है। उनके द्वारा विभिन्न मौजा में विभिन्न खाता, प्लॉट एवं रकवा से भूमि क्रय की गई है। अंचल अधिकारी, कोडरमा को मालगुजारी रसीद निर्गत करने का आदेश देने की प्रार्थना की गई है।

आवेदक का कहना है कि,

1. That by registered sale deed bearing no. 4413 dated 22.06.1955, sale deed no. 6478 dated 13.10.1955, sale deed no. 7248 dated 15.05.1968, sale deed no. 2714 dated 18.02.1969 and sale deed no. 12643 dated 31.08.1968 Ratanjit Samonta (father-in law of petitioner) purchased the land of Khata no. 4, Plot no. 427, area 0.46 acres, Plot no.428, area 1.3650 acres, Plot no.429&430 area 0.9150 and Khata no.10, Plot no.439 area 0.3275 acres Khata no. 23, Plot no. 423, area 1.90 and Khata no.28, Plot no.238 area 0.60 acres total Plot 7(Seven) total area 5.5675 acres land in Mouza-Charadih, P.s.-Koderma, P.S. no.270, Dist.-Koderma and holds all right, titles and possession. The land is already mutated in the name of the Company and they have been paying malguzari vide page no. 60, volume no. 02 of Register-II.
2. That Ratanjit Samonta (father-in law of petitioner) after purchased of the aforesaid land and after mutation he was paying malguzari regularly to State Government and obtaining rent receipts in his name.
3. That Ratanjit Samonta (father-in law of petitioner) executed will in favour of son Vikramjit Samonta and after the demise of executants Ratanjit Samonta, the will was probated by Hon'ble Kolkatta High Court and Vikramjit Samonta holds all rights, titles, interest and possession over the aforesaid land.
4. That Vikramjit Samonta title holder through probate of the aforesaid land and after mutation in his name he is paying malguzari regularly to State Government and obtaining rent receipts in his name till the year 2009-10 and the land are in his possession.
5. That Vikramjit Samonta died leaving behind his widow petitioner Rupa Samonta. After the death of Vikramjit Samonta petitioner being a legal heir holds all rights, titles, interest and possession over the aforesaid land.



6. That the then Deputy Commissioner, Koderma vide order dated 29.09.2011 passed an order to stay further issuance of rent receipt to the rayiats without giving any reason or without any information to this Petitioner.
7. That Petitioner is a genuine owner of all the aforesaid land, which had been purchased by her father-in-law Ratanjit Samonta from the rightful owners. This land was no doubt Garmazurwa Khas land in cadastral survey held in 1911 but on the basis of valid and legal settlement all the land was transferred to the father-in-law of Petitioner by the rightful land holders. The demand is standing since vesting of Zamindari which cannot be legally interfered with.

विद्वान् सरकारी अधिवक्ता, कोडरमा द्वारा लिखित विधिक मंतव्य निम्नवत् है:-

1. That the land in question is also the Gair Mazurwa Land of the State Government and the land was given to the Petitioner for agricultural purpose but the Petitioners have contravened the conditions laid down and using the same in commercial & other purpose rather than agriculture use.
2. That the land in question is valuable property of state and when the Deputy Commissioner had stopped the grant of Rent Receipts then according to the section 215(5) of the Chhotanagpur Tenancy Act " All other orders under the provisions of this act shall be appealable to the Commissioner, if passed by the Deputy Commissioner or to any official specially empowered by the (State) Government to hear such appeal if passed by an officer exercising power of the Deputy Commissioner.
3. That where the Rent Receipt was ordered to stopped by the then Deputy Commissioner the appeal shall be lie in the Court of Commissioner then the appeal shall be lie in the Court of Commissioner or Hon'ble High Court.
4. That the instant case is not applicable here hence the case hit the jurisdiction and legally not maintainable here.
5. That some petitioner have shown some sale deed in which the executants are coming under the purview of prohibited caste as per section 46 (1) of the CNT Act as in the case of Biddut Kumar Chatterjee, he has shown that the Sukar Chamar sold the land to Srijeet Samonta but permission u/s. 46 (1) of the CNT Act has not been shown.
6. That there is also suspicion in the case of Sujit Samonta as the sale deed shown by Sujit Samonta in which the executants is his son and what was the necessity for a son which compelled to sale the land to his father.

7. That for the sake of justice, it is highly essential to dismiss the petition of the petitioners.

अभिलेख में संलग्न कागजातों का अवलोकन किया गया। दोनो पक्षों के विद्वान अधिवक्ताओं को सुना। उपरोक्त वाद उपायुक्त, कोडरमा द्वारा दिनांक 29-9-2011 को पारित आदेश को vacate या withdrawn करने के लिए दाखिल किया गया है। चूँकि यह आदेश उपायुक्त द्वारा ही निर्गत किया गया था। अतः यह न्यायालय इस आदेश के vacate करने या withdrawn करने के लिए सक्षम नहीं है।

अतः श्रीमती रूपा सामंता पिता-स्व० विक्रमजीत सामंता, ग्राम-कानूनगोबिगहा, पोस्ट व थाना-कोडरमा, जिला-कोडरमा के आवेदन को खारीज किया जाता है। आवेदक सक्षम न्यायालय में अपील दायर कर सकते हैं।

लेखापित एवं संशोधित

उपायुक्त, कोडरमा।



उपायुक्त
कोडरमा।