

Order No
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Order & signature of the Officer

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01-10-2019

**COURT OF DEPUTY COMMISSIONER,
SERAIKELLA-KHARSAWAN**

ORDER

Mutation Revision No. – 11/17-18

Tetar Prajapati V/s State of Jharkhand.

The present revision petition was filed by Sri Tetar Prajapati, S/o Lakshman Prajapati, village – Tamolia, P.S – Chandil, Dist – Seraikella-Kharsawan against the order dated 12.05.2017 passed by Learned L.R.D.C. Chandil in Mutation Case No. 132/2010-11. Accordingly the case is registered in this court for hearing and notice has been issued to the Respondent state.

Heard the Learned Counsels for the Appellant as well as for the Respondent state.

In this case the Learned Counsel on behalf of the Appellant submitted that the petitioner / appellant is a lawful purchaser of land in mouza Tamulia, P.S. No. – 333, Khata No. 134, Plot No. 700, 701, area 6.60, 6.00 decimals respectively including another piece of land of Khata No. 163, Plot No. 802, area 2.72 decimals by virtue of registered sale deed no. 179, dated 18.01.2010. After the so called purchase appellant came into possession over the land and accordingly applied for mutation before the Circle Officer, Chandil. Circle Officer, Chandil after thorough enquiry process allowed the appellant's mutation in mutation case no. 132/10-11.

Further it is also submitted that the appellant had absolutely no knowledge of the fact that plot no. 802 relates to Khata no. 205 and

hence there was no occasion for the office or the appellant to consider that plot no. 802 area 2.72 decimals has been recorded in the Khata of Bihar Sarkar presently Jharkhand Sarkar.

It is also submitted that Shankar Das and Devanti Devi both jointly executed a sale deed vide sale deed no. 179, dated 13.01.2010 in favour of the appellant. In the said sale deed Devanti Devi sold the plot no. 700 and 701 measuring area 6.60, 6.00 decimals respectively to the appellant and Shankar Das sold the plot no. 802, area 4.66 decimals in favour of the appellant. Further the previous owner namely Shankar Das earlier purchased the plot no. 802 by virtue of sale deed no. 118, dated 09.01.2004 from Md. Naiyer and other through their attorney Nabh Chandra Mishra S o N. Mishra and after purchasing the land he was in actual possession over the same. Being in possession he sold the land to the appellant.

There was a SAR case no. 10 2004-05, filed by Mohan Majhi against Devanti Devi and others with respect to Khata no. 134, Plot no. 700 area 26½ decimals and plot no. 701, area 10.44 decimals. After going through the entire case and considering the long possession openly and adversely, the said SAR case was rejected vide order dated 16.03.2005.

Furthermore it is also submitted that after the mutation was allowed, the appellant got correction slip and accordingly paying rent of the same. Appellant has been residing in the area of plot no. 700 and 701 in a constructed house. Further a jan samvad complaint no. 2016-17 was raised and in compliance of that complaint rejection of

mutation for the entire land was done by L.R.D.C. Chandil, which is not maintainable in fact or law. While under investigation it has come to light that the plot no. 802, relates to Khata No. 205 and not to Khata No. 163 and Khata no. 205 is recorded in the name of State of Bihar presently, State of Jharkhand. The appellant has purchased the land of plot no. 802 knowing it to be recorded under Khata no. 163, which is a raiyati Khata.

Therefore it is prayed by the appellant side to set aside the impugned order passed by the L.R.D.C. Chandil and to restore mutation of plot no. 700 and 701 in favour of the appellant.

On the other hand Learned Government Pleader appeared before the Court on behalf of respondent state and submitted that the revision petition filed by the appellant is not at all maintainable either in fact or in law. As per the order of the Learned L.R.D.C. Chandil dated 12.05.2017 the mutation case no. 132/10-11 was cancelled stating therein that the mutation was held illegal by the Circle Officer, Chandil. In mouza Tamulia, P.S. No. 333, Khata No. 205, Plot no. 802, was recorded in the name of Bihar Sarkar now Jharkhand Sarkar and in Balad dakhil column name of the dakhalkar Lakhi Ram Mahato. So Kanchan Mahato was entered, but plot no. 802, Khata no. 163, area – 2.72 decimals of land was wrongly mutated in appellant's name.


When the matter was related to Jan samvad no. 2016-19107, the Learned Additional Collector, Seraikella-Kharsawan vide his letter no. 715 ra. dated 30.05.2016 referred to mutation case no. 137/2010-11 and cancelled the jamabandi of the appellant as it was done by the


authority in wrong way by manipulated documents and accordingly it is Submitted by the Learned Government Pleader to dismiss the petition filed by the appellant for the ends of justice.

Having considered the rival pleas of both the parties in the aforesaid factual matrix of the case and on perusal of the documents placed in the record, I find that the appellant earlier purchased plot no. 700, 701 from Devanti Devi and plot no. 802 from one Shankar Das vide sale deed no. 179, dated 13.01.2010. Further it is also revealed that plot no. 802 belongs to Khata no. 205, which is recorded in the name of Bihar Sarkar presently Jharkhand Sarkar and since the plot no. 802 is a government land therefore mutation of plot no. 802 was rightly rejected by the lower court but the other two plots 700 and 701 belongs to Khata No. 134, which is not a government land.

In the above circumstances the case is remanded back to the lower court with the direction to issue notice to all the concerned parties for fresh hearing and after hearing pass the order according to the law. Hence the case is disposed off.

Dictated & Verified


Deputy Commissioner
Seraikella-Kharsawan


Deputy Commissioner
Seraikella-Kharsawan