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10-08-2020

Order & signature of the Officer

Comments & the
action taken on
the order with
date

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10-08-2020

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

ORDER

T.A.Misc. Case No. – 20/2018-19

Mishri Mahato Vrs. Shree Balaji Agro Farm Industries Pvt. Ltd.

This Case has been preferred in this court in compliance of
Petition filed by Mishri Mahato. S/o Late Bisheshwar Mahato, vill. –
Soso, P.S – Rajnagar, Dist – Seraikella-Kharsawan for permission
under section 49 of CNT Act to sell the land in Mouza Ranjitpur as
described below to Shree Balaji Agro Farm Industries Pvt. Ltd.

<u>Mouza</u>	<u>P.S. NO.</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Area</u>
Ranjitpur	417	05	46	0.52
Total -				0.52 Acres

Accordingly this case has been registered in this Court for hearing
and a field verification report has been called for from Circle Officer,
Rajnagar vide letter No. 696/legal, Dated 26.09.2018.

Circle Officer, Rajnagar vide his letter No. 74, Dated 16.01.2019
submitted the field verification report. A General Notice has been
served. During the pendency of this Case no objection regarding the
transfer of the abovesaid land was received from anybody. Circle
Officer, Rajnagar in his report submitted that the seller has the right,
title and possession over the applied land.

Applicant appeared before the Court and filed an affidavit
stating therein that he is willing to transfer the said land in favour

of Shree Balaji Agro Farm Industries Pvt. Ltd. for their project.

Further the applicant has also submitted that he wants to sale the land for meeting their family expenses in the family and he wished it with free will without any pressure and greed. According to his sweet will and desire he is selling the said land and after selling the same he has remaining more than two acres of land rest with him for his livelihood. It is also submitted in circle officer. Rajnagar's report that after selling the abovesaid land applicant will have 04.21 Acres of land rest with him.

Prima-facie it is evident that the applicant has got the right and title over the land. Applicant has decided to sell the applied land in the present government value / consideration amount.

Further it is also evident that the applicant is satisfied with the amount he is receiving for transferring the land and the applicant has submitted that he is happily transferring the land to the company without any pressure from any corner.

According to Government's Industrial Policy capital investment and set-up of industries should be encouraged.

Considering the above facts the applicant is hereby allowed to transfer the land below in favour of Shree Balaji Agro Farm Industries Pvt. Ltd. under section 49 of CNT Act with following terms and conditions.

<u>Mouza</u>	<u>P.S. NO.</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Area</u>
Ranjitpur	417	05	46	0.52
			Total -	0.52 Acres

1. Respondent company is hereby directed to pay current registry value/ consideration value market value to the applicant for the transfer of aforesaid property in favour of him, so that the applicants will not face any financial loss.

2. Pursuant to Chhotanagpur Tenancy Act, 1908, Section 49(2) permission is granted for transfer of land for the purpose of Industrial use. Thereby in case the purchaser uses the said land for non industrial purpose or transfers in favour of any other party, the said transfer will not be valid. As described above if the land will not be used by the company for industrial purpose then sub section 5 of section 49. CNT Act will prevail literally.

Both parties shall be responsible for any type of legal dispute.

3. The land in any manner cannot be transferred at the rate below the notified rate published by the competent authority with respect to the respective revenue village / mouza. Pursuant to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (RFCTLARR Act 2013) the valuation assessed for land shall in no manner be less than the notified rate of land for a particular revenue village.

4. The purchaser company is to comply as per the above said Rehabilitation and Resettlement Policy and emended directions of government in letter and spirit.

5. Respondent company is hereby directed to pay the amount to the applicants in terms of A/C payee cheque / NEFT / RTGS / DD only.

6. Respondent company is hereby directed to discharge his social responsibility towards improvement of the Health, Education and Drinking water level for the villagers and family of the applicants.

7. Sub Registrar, Seraikella / Chandil is hereby directed to send a copy of sale deed to this office after the sell of the applied property.

Dictated & Verified


Deputy Commissioner
Seraikella-Kharsawan


Deputy Commissioner
Seraikella-Kharsawan