

Order No.
& date

Order & signature of the Officer

Comments & the
action taken on
the order with
date

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18/11/2020

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

ORDER

T.A.Misc. Case No. – 04/2019-20

Shurakani Mahto Vrs. Heaven Residency Pvt. Ltd.

This Case has been preferred in this court in compliance of
Petition filed by Shurakani Mahto. W/o Late Raghu Nandan Mahto, vill
– Hatiyadih, P.S. – Adityapur. Nagar Nigam Ward No. 1, Dist –
Seraikella-Kharsawan for permission under section 49 of CNT Act to
sell the land in Mouza – Hatiyadih as described below to Heaven
Residency Pvt. Ltd.

<u>Mouza</u>	<u>P.S. NO.</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Area</u>
Hatiyadih	60	73	280	1.34
Hatiyadih	60	73	281	0.24
Hatiyadih	60	73	283	0.10
Hatiyadih	60	73	284	1.74
			Total -	3.42 Acres

Accordingly this case has been registered in this Court for
hearing and a field verification report has been called for from Circle
Officer, Gamharia vide letter No. 23/legal. Dated 18.01.2020.

Circle Officer, Gamharia vide his letter No. 240. Dated
11.03.2020 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, Gamharia in his report, has submitted that the seller has the
right, title and possession over the applied land.

Applicant appeared before the Court and submitted that she is willing to transfer the said land in favour of Heaven Residency Pvt. Ltd. for their project. Further the applicant has also submitted that her house is broken, which needs money to build and for this reason she wants to sale the said land. Further she submitted that the land is fallow and there is no cultivation over the said land for years. In Mouza Hatiyadih there is 6.50 acres of land in the name of her father-in-law, out of which she is willing to transfer 3.42 acres of land now and apart from this, she has approximately 40 Katthas of land in uliyan, Kadma. Furthermore she has submitted that she is the only heir and successor of the said property and she wished it with free will without any pressure and greed. According to her sweet will and desire she is selling the said land and after selling the same she has remaining 3.50 acres (approx) of land rest with her for her livelihood. It is also submitted in circle officer, Gamharia's report that after selling the abovesaid land applicant will have more than 2.00 Acres of land rest with her.

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 she is receiving for transferring the land in favour of the respondent company and the applicant has submitted that she 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 Heaven Residency Pvt. Ltd. for establishment of Industry 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>
Hatiyadih	60	73	280	1.34
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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 applicant 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