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Order & signature of the Officer

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24-11-2020

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

ORDER

Misc. Case No. – 22/2020-21

Shila Ghosh. Vrs. Sima Sarkar & Ors.

This Case has been initiated in this court in compliance of an application filed by Petitioner Shila Ghosh. D/o Ravindra Nath Dutta, vill – Dobo, Dist – Seraikella-Kharsawan, which was forwarded to this court by Sub-Divisional Officer, Chandil vide his letter no. 859/ sa, dated 14.10.2020, requesting therein for cancellation of sale deed no. 3653, dated 11.12.2020 in the light of direction given by Rajaswa, Nibandhan & Bhumi Sudhar vibhag, Government of Jharkhand.Ranchi vide letter no. 930, dated 21.09.2016. Accordingly a notice has been issued to the parties.

In this petition Shila Ghosh has prayed that her sister Sima Sarkar has sold a peice of land in mouza – Dobo, Khata no. 174, Plot no. 1033, Area – 32 decimals to Sumitra Devi, W/o Yogendra Singh vide registered sale deed no. 3653, dated 11.12.2018 by creating a wrong family tree. After the sale of the said land Sumitra Devi has got mutation of the said land in her name, which is wrong. Further it is mentioned there that after the mutation of the said land Sumitra Devi has again sold a part of the said land to someone, whose mutation case no. is 13/2019-20 and accordingly it is prayed by the petitioner to cancell the wrong and fraudulent registration of the said land executed by the respondent Sima Sarkar in the light of direction given by

Revenue Department, Govt. Of Jharkhand, Ranchi.

The learned Counsel on behalf of the respondent no. 1 Sima sarkar appeared before the court and submitted that Sima sarkar happens to be the legitimate daughter of late Ravindra Nath Dutta having absolute right, title and interest in the property left by her father. It is also submitted that the land in question in 1963 survey settlement was recorded jointly in the name of Ravindra Nath Dutta & others. Said Ravindra Nath Dutta died leaving behind Sima Sarkar the only daughter, who stepped into the shoe of her father and acquired the legitimate right, title and interest over the property in question.

Further it is also submitted that the petitioner is in no way related with late Ravindra Nath Dutta in any manner what-so- ever and she has falsely claim in the joint property mischievously by playing fraud. Sima Sarkar has sold land in Plot no. 1034, 1032, 1033(P) and 1092 to one Sumitra Devi, W/o Yogendra Singh by registered Sale Deed no. 3653, dated 11.12.2018. Subsequently said Sumitra Devi sold the portion of land in plot no. 1033 to one bonafide purchaser Raj Prakash Shukla by registered Sale deed no. 3723, dated 18.12.2019 and subsequently Sumitra Devi has also sold land in rest portion of plot no. 1033, Plot no. 1032 to one Watsala, W/o Raj Prakash Shukla by registered sale deed no. 825, dated 13.03.2019.

It is also submitted by the learned counsel that the bonafide purchasers namely Sumitra Devi, Watsala and Raj Prakash Shukla have not been made necessary party in this case and hence the petition filed by the petitioner is liable to be dismissed. Further it is also submitted that the petitioner has tried to present a fabricated genealogy with

respect to late Ravindra Nath Dutta with a view to illegally transfer land of answering second party for wrongful gain.

Further the learned counsel for the respondent no. 1 submitted that in the deapartmental circular, it is clearly mentioned that in any case the title over the land should not be decided by this court on the basis of the cross-claims of the parties. as title over a land can be decided by the competent civil court only. Furthermore it is also submitted that the petitioner is not a resident of the said village. therefore the possibility of giving this application with wrong intention by someone else cannot be ruled out and on the basis of the above submissions it is prayed by the learned counsel to reject the petition filed by the petitioner.

During the pendency of this case Seema Sarkar has submitted an affidavit before the court stating therein that the ward member and mukhiya themself signed in the vanshavali. through which she has executed the sale deed in favour of Sumitra Devi.

A notice has been issued to the petitioner Shila Ghosh and Circle Officer, Chandil was directed to serve the notice to the petitioner and produce a copy of the said service report before this court. Circle Officer, Chandil vide his letter no. 811, dated 18.11.2020 reported that no person bearing the said name was found at that address.

Having considered the submissions made by the parties and on perusal of the documents placed on the record and in the course of the analysis of the facts. I find that the facts cited in the application filed by the applicant are purely matters of title over the land in question, which can be decided by the competent civil court. Further it is also

revealed from the documents placed on the record that the applicant is not a resident of the given address. In the light of the discussions made above petition filed by the petitioner is hereby rejected. Petitioner is at liberty to move the matter before the competent forum. Accordingly this case is disposed off in terms of the aforesaid observations and directions.

Dictated & Verified

Deputy Commissioner
Seraikella-Kharsawan

Deputy Commissioner
Seraikella-Kharsawan