

IN THE COURT OF DUPUTY COMMISSIONER, RAMGARH

Land Ceiling Appeal No.- 58/2010

Ajit Kashyap ... Vrs.... Smt. Lalita Devi

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ORDER

The appeal has been filed against the order dated 12-08-2010 passed by the Lower Court of The D.C.L.R. Ramgarh in Land Ceiling Case no.- 03/2009-10 Ajit Kashyap Vrs Puran Chandra Poddar & others, Under Section 30 of the Bihar Land Reforms (Fixation of the Ceiling Area and Acquisition of surplus land) Act 1961. The dispute is related to the following land :-

<u>Village</u>	<u>Thana</u>	<u>Thana No.</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Area (Acre)</u>
Kamti	Gola	29	01	94	0.03

Notice was issued to both parties and Lower Court Record was called for.

In his petition, appellant has stated that adjoining/adjacent to the vended disputed land of Plot no.- 94 the appellant along with the other co-sharer namely Promod Kumar Ranjan and Pradeep Panch acquired the land of Plot no.- 107, Under Khata no.- 51, Area 1.07 Acres of Village- Kamti, P.S.- Gola, District- Ramgarh vide registered sale deed no.- 1562, Dated 08-05-1985 and came in possession over the same and started cultivating the land peacefully. The nature of the land in question as mentioned in the sale deed is residential, in spite of the fact that the recital of sale deed proves the nature of land as agriculture land. There neither exist any bazaar/hat nor any residential houses near about the disputed land. Amongst the said purchasers, the said adjoining/adjacent portion to the disputed vended land appertaining to plot no.- 94 was

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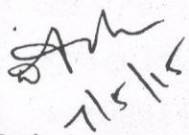
allotted to the exclusive share of the appellant and various acts of possession is being exercised by the appellant by raising various crops and utilizing its usufructs to the tacit knowledge of the Vendor as well as the vendee of the instant registered sale deed no.- 3709/09 dated 01-09-2009. So appeal may be allowed and lower Court order may be set aside.

On the other hand respondent has stated that land ceiling appeal filed by the appellant is not maintainable in the eye of law. The respondent had purchased the land in question from its rightful owner through registered sale deed and after mutation the jamabandi of the said land is opened and rent receipt has been issued. The main object of the land ceiling act is to check the fragmentation of agriculture holding, but here the land in question is not agricultural land but the land in question is residential in nature. So the question of fragmentation of agricultural holding does not arise. The appellant is not raiyat of the land of khata no.- 01, plot no.- 94. The provisions of Section 16 (3) of the Land Ceiling Act is not applicable. Order passed by the learned lower Court is just proper and legal and needs not any interference, as such appeal of the appellant is liable to be dismissed.

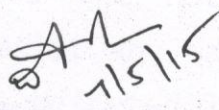
From perusal of documents available on the record and under the above facts and circumstances, I found no ground to interfere with the judgment of the Lower Court.

Hence the appeal is disallowed and Lower Court order is upheld. Case record to be submitted in record room.

Dictated and corrected

  
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Deputy Commissioner  
Ramgarh (Jharkhand).

  
1/5/15

Deputy Commissioner  
Ramgarh (Jharkhand).

001 No 301-1112  
msb & co  
1/5/15

10/4/2015  
18/5/15