

# In The Court of Deputy Commissioner, Ramgarh

Restoration Appeal No. 33/11

Sohan Mahto Versus Sarju Munda and State

## Order

This appeal was filed by Sohan Mahto against the SDO's order dated 21.06.2011/27.06.2011 in Restoration Case NO. 6/2008-09 on the following land :-

<u>Village</u>	<u>Khata No.</u>	<u>Khesra No.</u>	<u>Area</u>
Serengatu	49	1355	8dec.

The lower court had passed the order of restoration in favour of Sarju Munda and directed the C.O., Gola to deliver possession.

The main argument of the Appellant hovers on the Registered Surrender Deed of 1946 which was given in favour of the Ex-landlord by the ancestors of the present respondent. It is also mentoned that the Ex-landlord immediately resumed possession over the land and later settled the land by sada hukumnama to the ancestor of the appellant. It is also claimed that the settlee gained possession of land and started paying rent to the ex-landlord. Now the rent is even paid to the State Government. The Appellant has also taken the support of one Restoration Case No. 76/88 filed by one Jiwa Munda against the father of the appellant which was rejected by the DCLR, Hazaribagh.

The respondent has filed a reply in the case mainly depending on the report of the Anchal Office which stated that a Jamabandi exists in the name of Mansu Mahto but Jamabandi was created without the orders of competent authority. Another submission of the respondent is that the respondent is in possession of the disputed land which is proved by the report of the Circle Officer. It is further stated in the reply that the alleged settlement through sada hukumnama is forged and fabricated and has no value in the eyes of law.

Both the learned counsels have argued. The learned counsel for the Appellant contended that the land was

surrendered in 1946 and thereafter settled to the ancestor who came in possession. Rent was not only paid to the Ex-landlord but also to the Government of Jharkhand.

Counsel appearing for the respondent submitted that no permission of the Deputy Commissioner was taken before surrender and as such the same was illegal. It was also submitted that the Surrender Deed was at present not traceable in the Registration Office. Delivery of possession was already given for the respondent on 29.09.2011.

In the present appeal, the deed of surrender is established but the subsequent settlement of land has not been proved. The appellant could not produce any document to show that plot no. 1355 was actually transferred to the ancestors. Even the Restoration Case No. 76/86 disallowing the claim of Jiwa Munda does not throw any evident on Plot No. 1355 which has been subsequently added by someone's handwriting in the typed certified copy.

In such view of the matter I find no ground to interfere with the judgment of the lower court. The Appeal is therefore, dismissed.

Dictated and Corrected.

Deputy Commissioner,  
Ramgarh.

Deputy Commissioner,  
Ramgarh.