

In The Court of Deputy Commissioner, Ramgarh

Mutation Revision Case No. 2/12 and 3/12

Ramesh Saluja S/o Late M.L. Saluja
& Habinder Kaur W/o Rakesh Saluja

Versus

Anita Devi

Order

29-11-13

Both the cases are directed against the orders of the DCLR, Ramgarh dated 10-02-2011 passed in Mutation Case No. 504/10-11 and 503/10-11. The dispute relates to the following land :-

Village	Khata	Plot	Area
Ramgarh	130	429	2 $\frac{3}{4}$ dec.
	59	290	4 dec.

The revisionists claim title and possession over the disputed land on the basis of two sale deed executed by Anita Devi in 2010 in favour of Rakesh Saluja and Ramesh Saluja. Subsequently the purchasers applied for Mutation which were registered as 503/10-11 and 504/10-11. The said mutation were allowed by the circle officer, Ramgarh on 17-06-2010. Later the Additional Collector, Ramgarh issued L.N. 882/21-12-2010 quoting MLA Saurabh Narayan Singh that the two alleged registered deeds were executed by a fake lady as Anita Devi was in jail at the time of deed execution. Enquiries were made and revenue authorities concluded that there was some truth. Record was sent to the DCLR, Ramgarh who cancelled the jamabandi of revisionists and ordered restoration of the jamabandi of Anita Devi.

The case of the respondent states that the revisionists played fraud and got the document registered by a lady other than Anita Devi. It is added that Anita Devi was sent to jail on 22-03-2010 in Ramgarh P.S. Case No. 70/2010 and was released on bail from Hazaribagh prison only on 03-07-2010. The respondent had purchased the land in 2008 from Bhawana Mehta and continued to be in peaceful possession of the same.

The main stand taken by the revisionists is that the jamabandi already created cannot be cancelled. There was no

occasion to cancel jamabandi by a simple reference letter of the Additional collector at the behest of the MLA Saurabh Narayan Singh. In fact, no appeal was filed in the court of the DCLR by Anita Devi.

The learned counsel for the respondent reiterated the same points as given in rejoinder and emphasised impersonation and forgery in the execution of sale deeds which were basis of mutations.

A perusal of the Mutation Case Records show that the Revenue Karamchari has confirmed the possession of the revisionists in column 11 of the report which was submitted to the Circle Officer. Both the mutations were allowed on 17.06-2010. The DCLR, Ramgarh has passed orders in same Mutation Case Nos. 503/10-11 and 504/10-11 which is not a correct procedure.

Section 15 of the Bihar Tenants Holding (Maintenance of Records) Act, 1978 provides that:-

" (1) An appeal shall lie to the Land Reforms Deputy Collector against the order of the Anchal Adhikari passed under sub-section ⁵[(2)] of section 14, if preferred within ⁶[thirty days]of the date of the order appealed against.

(2) No order modifying, altering or setting-aside any order appealed against shall be passed under this section unless the parties concerned have been given a reasonable opportunity of being heard.

(3) Subject of the provision of ¹[Section 16], the order of the Land Reforms Deputy Collector on appeal shall be final."

The provision of Section 15 stipulates that Appeal must be filed within 30 days in the Court of The DCLR. But in the instant case the CO, Ramgarh passed order on 17-06-2013 whereas the same case was reopened on 27-12-2013 almost after six months.

Obviously the DCLR has not followed the procedure as stated above and passed quashing order of mutation cases in the records of the Anchal. This is a grave error in the procedure laid down by the law.

It has already been held by the Hon'ble Jharkhand High Court in case of Md. Hasim Khan reported in 1991 (Vol.1) PLJR 118 that the authorities while passing order in a Jamabandi Case has no right to give a declaration of right and title in favour of one or other person nor can declare sale deed as illegal or inoperative which can only be declared by a civil court of competent jurisdiction.

In view of aforesaid facts, the impugned orders of the DCLR, Ramgarh are set aside. The revision petitions are allowed. CO, Ramgarh is directed to restore the jamabandi of the revisionists.

Written and Corrected by

Deputy Commissioner,
Ramgarh.

Deputy Commissioner,
Ramgarh.