

In The Court of Deputy Commissioner, Ramgarh

Mutation Revision No. 24/2012

Bibi Halima Khatoon & others Versus Rijhu Mahto & others

Order

19-11-13

This mutation revision has been filed by Bibi Halima and others against the order of the L.R.D.C. Ramgarh dated 02-08-2012 by which the Appeal petition of the revisionist was rejected. The dispute is related to the following land :

Village	Khata	Khesra (Plot)	Area
Basantpur	52	377, 498, 503, 506	12.5 dec.

The case of the revisionist states that Halima Khatoon had applied for mutation of the land purchased by her and the same was registered as Mutation Case No.323/10-11. The Circle Officer, Mandu rejected the case on 04.10.10 on grounds of non possession Bibi Halima later filed an appeal before the LRDC, Ramgarh (Appeal NO. 6/10-11) which was disallowed on 02.08.12. The main ground of the present revision is the fact that lower court decided the matter of title although it is decimated when the land changes hand.

The respondents also filed a written statement. The reply briefly states that the respondents have been coming in continuous and peaceful possession over the land. It is also added that revisionist claim based on the sale deed dated 27.11.47 in favour of Gaffar Khan and Ibrahim Mian does not make much since because they never come in possession and as a result the subsequent transfer to Bibi Halima in 2010 also becomes meaningless.

The learned advocates on behalf of both the parties argued and repeated most of the points given in their written pleadings. The learned counsel for the revisionist pleaded that possession was not properly verified and claimed that Bibi Halima was in actual cultivating possession of the land. The learned counsel for the respondent emphasised that neither Qayum Ansari nor his father Ghafoor Mian ever came in possession of the land and consequently the purchaser Halima could not get foothold over the same.

In the present case, the revisionist are making their claim over the disputed land on the basis of right and

title based on two sale deeds of 1947 (for Ghafoor Mian) and 2010 (for Bibi Halima Khatoon). Both the Karamchari and the Circle Inspector have reported in the Mutation Case No. 323/10-11 that Bibi Halima has no possession over the said land. Nor did her vendors ever come in possession.

Taking into consideration the entire facts of the case, it is held that the order of the lower court is correct and need not intervention. The revision is therefore dismissed.

Written and Corrected by

Deputy Commissioner,
Ramgarh.

Deputy Commissioner,
Ramgarh.