

In The Court of Deputy Commissioner, Ramgarh

Misc. Appeal No. 08/2006/21/2013

Birendra Mahto Versus Premchand Mahto

Order

The present case has originated out of the order dated 10-05-2013 by the Commissioner, North Chotanagpur Division in Miscellaneous Revision Case No. 101 of 2007. The learned court has directed the present court to pass order after considering the two decisions given by the Additional Collector, Hazaribagh in Case Nos. 40/1979 and 8/2006.

| Anchal | Village | Khata No. | Plot No. | Area |
|--------|------------|-----------|---|-----------|
| Gola | Dundigachi | 69 | 410, 412, 413, 477, 478, 502, 503, 505, 476, 485, 678, 787, 474 | 4.70 Acre |

The Court of Additional Collector, Hazaribagh in the order dated 29-07-1985 in MAN-40/79 had set aside the order of DCLR who had ordered rent receipt to be issued in favour of Adhin Mahto and directed the concerned Circle Officer to issue rent receipt in favour of Mohan Mahto.

Later another Miscellaneous Revenue Case No. 1/2005-06 was initiated by the Circle Officer, Gola for the same land. The C.O., observed that page 130 of Register II for village Dundigachi incorporated the name of one Jhalu Mahto S/o Bhikhu Mahto and even confirmed his possession over the land. The learned LRDC accepted the recommendation and ordered on 23-12-2005 for issue of rent receipt in the name of Jhalu Mahto S/o Bhikhu Mahto.

Subsequently, Birendra Mahto S/o Jogi Das Mahto filed Appeal Case No. 8 of 2006 in the court of the Additional Collector, Hazaribagh wherein it was ordered on 26-04-2007 that there was no ground to differ with the order of the DCLR and the appeal of Birendra Mahto was dismissed.

In the way all the revenue courts from the Circle Officer to the Additional Collector passed different orders with respect to the same land. Additional Collector had already passed order on 29-07-1985 in Miscellaneous Appeal No. 40/79 in favour of Mohan Mahto & others on the same land. No

revision was filed against the order in the Court of the Commissioner or the Court of Member, Board of Revenue. But the Additional Collector dismissed the appeal filed by Birendra Mahto S/o Jogi Das Mahto against a fresh order of the DCLR dated 23-12-2005.

It is thus concluded that all the subsequent orders after that of the Additional Collector dated 29-07-1985 in case No. 40/79 are wrong and erroneous. The matter was already decided and if anybody had any grievance, the right course was to file revision in higher court as already mentioned. Two jamabandis cannot coexist for the same land and two demands cannot run for the same land in the names of two different persons.

In the result the order dated 23-12-2005 by the D.C.L.R., Ramgarh in Miscellaneous Case NO. 1 of 2005 is set aside and accordingly resultant jamabandi is also cancelled.

Written and Corrected by

Deputy Commissioner,
Ramgarh.

Deputy Commissioner,
Ramgarh.