

IN THE COURT OF DEPUTY COMMISSIONER, RAMGARH

Miscellaneous Appeal Case No.- 29/2013

Circle Officer, Mandu ... Vrs.... Bishun Ravidas



ORDER

07/2015

The Appeal was filed against order dated 30-11-1993 passed by the D.C.L.R. Ramgarh in Korkar Rent Assessment Case No.- 240/1993-94 Bishun Rabidas S/o Nandan Rabidas, Vill- Kujju, P.S.- Mandu, District- Ramgarh. The land under dispute is related to measuring an area 0.50 Acres under Khata No.- 02, Plot No.- 22, Thana No.- 154, Village- Kujju, P.S.- Mandu, Dist.- Ramgarh.

The appellatant has stated that the land appertaining to measuring an area 0.50 Acres out of total area 46.50 Acres under Khata No.- 02, Plot No.- 22, Thana No.- 154, Village- Kujju, P.S.- Mandu, Dist.- Ramgarh has been recorded as Gair Majurwa Khas, Kism- Jungle during the last survey and settlement operation

As per law assessment of rent of Gair Majurwa Khas Kism Jungle land under korkar right u/s-67 "A" of Chota Nagpur Tenancy Act, Without Prior Permission obtaining from the Deputy Commissioner u/s-64 of Chota Nagpur Tenancy Act. Which is necessary under provision of law, which has not been followed.

The real fact is that land in question is recorded as Gair Majurwa Khas, Kism- Jungle in record of right. So appellatant pray that the appeal may be allowed and order passed by the assessing rent under korkar right u/s-67 "A" of Chota Nagpur Tenancy Act. he set aside.

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On the other hand respondents states that the land in question is recorded in khatiyani as Gair Majurwa Khas land which has been converted by ancestor of respondent into dhankhet by using his physical labour as per local usage and custom. That the competent authority opened case record on application of the respondent which was registered as Korkar Rent assessment case No- 240/93-94. That the authority concerned published istihar and call for report and followed all the process of law before opening of zamabandi in name of respondent which is continue up till now without any objection. So that respondent has prayed that the said appeal may kindly be rejected.

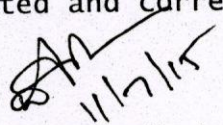
In view of the above facts and on perusal of the show-cause and Lower Court records, it appears that Lower Court wrongly considered and misguided by the report of Halka Karmachari, in which he wrongly reported that opposite party of this appeal has korkar right as per khatiyani, but real fact is that there is no mention of korkar right in the khatiyani. The land in question is belongs to G.M. Khas Khata. The Nature of the land as mentioned in the Khatiyani is "Jangal". Respondent also failed to produce details of paper regarding the permission of Deputy Commissioner under section 64 of CNT Act. The Jamabandi was opened without order of any competent authority. Prior permission of competent authority for opening of Jamabandi is Compulsory


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as per Govt. Circular. Hence Jamabandi opened in the name of Bishun Rabidas S/o Nandan Rabidas measuring on area 0.50 Acres out of total area 46.50 Acres. under Khata No.- 02, Plot No.- 22, Thana No.- 154, Village- Kuju, P.S.- Mandu, Dist.- Ramgarh is doubtful and illegal. Hence the appeal is allowed and order passed ^{by} lower court in Korkar rent assessment case No- 240/93-94 is set aside. Copy to Circle Officer Mandu, L.R.D.C. Ramgarh, D.L.O, Ramgarh, Sub-Divisional Officer Ramgarh and Additional Collector Ramgarh for necessary action as per order passed by this court. Case record to be submitted in record room.

Dictated and corrected


11/7/15
Deputy Commissioner
Ramgarh (Jharkhand).


11/7/15
Deputy Commissioner
Ramgarh (Jharkhand).

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11/8/15