

राजस्व न्यायालय भूमि सुधार उपसमाहर्ता, दुमका

अनुसूची 14 फारम सं० 5651
बोर्ड फारम सं० 508

(बोर्ड के आदेश सं० 4116वीं ता० 12-8-11 में अनुमोदित)

(स्थायी रूप से रखणीय)

संयुक्त मुख्य-पृष्ठ और पत्रावरण

(दिखें नियम 127 अभिलेख हस्तक 1911)

विभाग

नामपत्र राज अपील का सं० 15/19-20
(पहला पन्ना)

केस नं० वर्ष रजिस्टर सं०

इस्टेट परगना तौजी सं०

अर्जाकार -

प्रतिपक्षी

राजीव कुमार
पिता श्री राजाराम
कुमार, ग्राम-भोग
पुर रोड दुमका
कनाम
अजीत कुंकिट
गोशाला रोड
दुमका दुमका

अधिनियम सं० वर्ष के अधीन

निर्णय की तारीख अभिलेखागार में प्राप्त होने की तारीख

क्र० सं०	कागज का वर्णन	किस तारीख को फाइल किया गया	पन्नों की संख्या	स्टाम्पों का मूल्य	कागज की श्रेणी	अभ्युक्ति
1	2	3	4	5	6	7



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in

The Court of the Land Reforms Deputy Collector

Dumka.

Mutation Appeal No. _____ / 2019.

Rajeev Kumar s/o Sri Rajaram Kumar, resident of
Mohalla - Bhagolpur Road, Dighani, P.S. Dumka Town,
Subdivision and District- Dumka Appellant.

Vs.

1. Ajit Kumar Sinha s/o late Shiv Mandan Prasad
resident of Mohalla - Goushala Road, Dighani, P.S. -
Dumka Town, Subdivision and District- Dumka

..... Respondent 1st party

2. -/16/- Annex raiyat of Mouza - Dighani, At & P.O. -
Dumka, P.S. Dumka Town, Subdivision and District-

Dumka Respondent 2nd party

Appeal against the order dated -

21.06.19 passed by the Circle

[Handwritten signature]
11-10-19

[Handwritten signature]

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No. 239.27/2018-19 , thereby
rejected the prayer for mutation
etc of the land in favour of the
appellant.

(Copy of the order made available
on 13.09.19 and as such the appeal
is within time)

The appellant above named ;

Most respectfully sheweth :-

1. That the appellang got purchased Basouri land
plot no. 219 (Part) area 3.42 decimals (02 Katha 01
anar) appertaining to Basouri Khata no. $\frac{39}{04}$ of mouza -
Duchani No. 06 , Subdivision and District- Dumka for
valuable consideration by virtue of registered sale
Deed No. 528 dt. 19.06.2009 of Dumka District Sub-
Registry Office, executed by Vendor Ajit Kumar Sinha 1/0
Late Shiv-Nandana Prasad - Respondent 1st party and has

2. That it is submitted that the said land plot No. 219 total area 01-01-00 (one Bigha one Katha) appertaining to Basauri Khata no. 39/4 of Mouza - Sudhani is a Basauri land , which is saleable and transferrable in nature.

3. That it may be mentioned that the said land is ancestral land of the vendor - Respondent 1st party, who got exclusive right, title , and interest and further possession over the land in question , who obtained the same also by court Decree dt. 30.07.03 of the court of learned Sub-ordinate Judge, Dumka vide Title suit No. 226/1998, between Ajit Kr. Sinha - Respondent 1st party and his brothers and mt. Sandhya Devi; In that court decree Ajit Kr. Sinha - Respondent 1st party and his brothers got 09 Katha 10 Char land out of ^{total} area 01 Bigha 01 Katha in plot no. 219 of Basauri Khata no. 39/4 of Mouza - Sudhani No. 06 , and thereafter Ajit Kr. Sinha -

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partition done by virtue of Registered partition Deed No. 200 of 2009 of Dumka District Sub-Registry Office, and the said land in question i.e. Vended land allotted to Ajit Kr. Sinha-Respondent: 1st party, who used to possess the same as full and absolute owner in possession of the same.

4. That on purchase the appellant applied for mutation before the Circle Officer, Dumka, where the said petition has been registered as Mutation Case No. 209K/27/2018-19 of the court of Circle Officer, Dumka.

5. That thereafter, the Circle Officer, Dumka notice to the -/16/- Annas raiyat, if any objection against the mutation, but no body put any objection against the prayer of the appellant for mutation as applied for.

6. That it is submitted that the Circle Officer, Dumka, further entrusted the matter for enquiry and

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7. That the Halka Karamchhari by his report dt. 17.06.19 submitted a confused and vague report stating that the vendor - respondent 1st party got the land in question on an amicable partition between the co-sharers, further he reported that it is not known, if the Khatyani raiyat Sandhya Devi died or alive on this the Karamchhari reported that it is not clear if the vendor has got right as no paper alleged to have been produced.

8. That on this ground taking the sole report of the Halka Karamchhari, the Circle Officer, Dumka by his order dt. 21.06.19 rejected the Mutation application only on the basis of report of Karamchhari and Circle Inspector, Dumka.

9. That the appellant could know about the order on 3.9.19 and immediately applied for obtaining certified copy of the same on the same date, which made available

appeal against the impugned order of the Circle Officer, Danka, who arbitrary without hearing the appellant rejected the mutation application of the appellant.

The appellant, therefore, being aggrieved at and dissatisfied with the aforesaid order of the Circle Officer, Danka begs to prefer this humble memo of appeal on amongst other the following -- --

GR O U N D S :-

(i) For that the impugned order passed by the Circle Officer, Danka is wrong, illegal and not tenable in law.

(ii) For that the said impugned order is cryptic and mechanical in nature and no valid cause for rejection has been given in the impugned order.

(iii) For that it is an admitted position that

Annas raiyat put any objection to the prayer of mutation as made by the appellant.

(iv) For that it is further submitted that plot No. 219 total area 01 Bigha 01 Katha Basouri Khata no. 39/4 of mouza - Dushani No. 5, which originally owned and possessed and got recorded in Register - II of the Circle Officer, Dumka in the name of Smt. Sandhya Devi, thereafter there was Title suit No. 226/1993 in the court of learned Subordinate Judge, Dumka between Ajit Kr. Sinha - Respondent 1st party and others - Vrs. - Smt. Sandhya Devi. However, the said case ended by virtue of Decree dt. 30.07.03, in which the land plot no. 219 (Part) area 09 Katha 10 Annas out of total area 01 Bigha 01 Katha has been allotted to Ajit Kr. Sinha - Respondent 1st party and his brothers and subsequently there was Registered Family partition vide Decd No. 207 of 2009 between Ajit Kr. Sinha - Respondent 1st party

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deed Mr. the vendee land in question allotted to the share of Ajit Mr. Sinha - Respondent 1st party, who continued to possess the same as full and absolute owner.

(v) For that the Circle Officer, Danka ought to have given an opportunity of hearing to the appellant before passing the impugned order from which the appellant has been debarred and put to un-necessary harassment.

(vi) For that on sale and purchase the appellant being purchaser has been put in physical possession of the same by surrounding the same by brick built walls around the land in question.

(vii) For that as a matter of fact the learned Circle Officer, Danka if not satisfied ought to have heard the appellant.

(viii) For that the appellant has got full and absolute right, title and possession and the Circle

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For to be done in favour of the appellant.

(ix) For that the appeal is fit to be allowed on other grounds too, which will be argued at the time of hearing.



It is, therefore prayed that your honour may graciously be pleased to admit this appeal, call for the record from the learned court below and after perusal thereof and hearing the parties be pleased to allow this appeal by setting aside the impugned order of the Circle Officer, Danka

A. N. S.

further be pleased to direct for mutation of the said land in question in favour of the appellant accordingly.

Object reference not set to an instance of an object.

13-Sep-2019

अंचल अधिकारी का कार्यालय
दुमका, दुमका
अस्वीकृति की सूचना

नामान्तरण मुकदमा संख्या : 209 R27/ 2018 - 2019 /दुमका

सर्वसाधारण को सूचित किया जाता है कि नामान्तरण मुकदमा संख्या 209 R27/ 2018 - 2019 /दुमका को अस्वीकृत किया जाता है।

अस्वीकृत करने वाले का नाम - SAGARI BARAL(Circle Officer)
दिनांक - 6/21/2019 7:29:40 PM
अस्वीकृत का कारण - राजस्व उप निरीक्षक तथा अंचल निरीक्षक के प्रतिवेदन एवं अनुज्ञा के आधार पर नामान्तरण आवेदन को अस्वीकृत किया जाता है।

अंचल निरीक्षक का नाम- ASHUTOSH PRASAD SINGH
दिनांक- 6/18/2019 7:42:55 AM
अंचल निरीक्षक का मतलब - RAJSWA UP NIRIKSHAK KE JANCH PRATIWEDAN KE ADHAR PR NAMANTARAN AWEDAN KO ASWIKRIT KIYA JA SAKTA HAI.

राजस्व कर्मचारी का नाम-
दिनांक- 6/17/2019 1:32:08 PM
राजस्व कर्मचारी का मतलब - नामान्तरण हेतु आवेदित जमीन भोजा दुधारी खाता नं० 39 /4 खेसरा संख्या 219 संख्या 01 बीघा 01 कट्टा जमीन संध्या देवी के नाम से दर्ज है अजित कुमार सिन्हा को वर्तमान में लेखकारी है , डीडी के माध्यम से आवेदक राजीव कुमार को 3.42 dismal जमीन विक्रय किया गया है \ डीडी के अनुसार लेखकारी को टाइटल suit के माध्यम से 09 कट्टा 10 धुर जमीन प्राप्त है जिसका बटवारा आपसी बटवारा दराल के द्वारा अंग एकत्र प्राप्त है। सम्बंधित कागजात आवेदन के साथ अपलोड नहीं है खाताधारी संध्या देवी जीवित है या मृत स्पष्ट नहीं है लेखकारी का मलिकाना हक से सम्बंधित कागजात तथा खाताधारी के सम्बन्ध में स्थिति स्पष्ट नहीं रहने के कारण ,पचा अपलोड नहीं रहने कारण नामान्तरण अस्वीकृत किया जा सकता है।

मुकदमा संख्या 209 R27/ 2018 - 2019 /दुमका का विवरण

आवेदक का नाम	अभिभावक का नाम	पता
RAJEEV KUMAR	RAJARAM KUMAR	BHAGALPUR ROAD, DUMKA, P.S.- DUMKA TOWN

से नामान्तरण हेतु आवेदन (संख्या - 209) प्राप्त किया गया |

ज्रेता का विवरण

ज्रेता का नाम	अभिभावक का नाम	पता

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प्राप्त जमीन 15
दुमका
19/9/19