
(2007) 04 JH CK 0014
In the Jharkhand High Court

Abhay Singh Surana

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 25-04-2007

Acts Referred:

Chotanagpur Tenancy Act, 1908 — Section 71A

Citation : (2007) 4 JCR 220

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Petitioner has challenged the order dated 6.3.1984 passed by respondent No. 5 in Case No. 344 of 1979-80 directing him to pay compensation of Rs. 4,92,000/- in favour of respondents No. 6 and 7 or to provide similar land in the vicinity of the land in question or for restoring the land in question; and also the order dated 6.1.1999 passed by respondent No. 4 in S.A.R. Appeal No. 11 of 1984-85 confirming the said order; and also the order dated 10.6.2002 passed by respondent No. 2 in S.A.R. Revision No. 62 of 1999 confirming the said order.

2. Respondents No. 6 and 7 filed an application u/s 71A of the Chotanagpur Tenancy Act, 1908 (for short "the Act") before respondent No. 5 for restoration of the land in question which was registered as Case No. 344 of 1979-80. Respondent No. 5 by order dated 6.3.1984 directed the petitioner to pay compensation of Rs. 4,92,000/- through Court or provide similar land in the vicinity or to restore the land. Not being satisfied with this order, the petitioner filed an appeal before respondent No. 4 which was dismissed. Petitioner thereafter filed writ petition on being C.W.J.C No. 3324 of 1996(R) which was disposed of by order dated 26.3.1997 by remitting the matter to the appellate authority to consider the documents on record and pass order. On remand, the appellate authority consider the materials on record and passed order on 6.1.1999 directing the petitioner to restore the land appertaining to Plot Nos. 966

and 967 on the ground that these plots do not find mention in the registered deed of surrender and Chhaparbandi settlement dated 6.8.1945 and 29.9.1945 respectively and, therefore, only because they were mentioned in the deed of purchase of the petitioner dated 9.5.1960, he cannot claim right.

3. Petitioner filed revision before respondent No. 2 against the said order of respondent No. 4. The revisional authority, after hearing the parties dismissed the revision on the ground that the petitioner could not produce anything to show as to how his vendor got the said plots Le. Plot Nos. 966 and 967.

4. Mr. Jerath, appearing for the petitioner, submitted that after purchase of the land on 9.5.1960, petitioner has been paying rent to the Municipality and the State with regard to the said Plot Nos. 966 and 967 also.

5. In my opinion, grant of rent receipt by the State or Municipality cannot confer right on the petitioner" to defeat the claim of respondents No. 6 and 7. The contention of the petitioner that the aforesaid two plots are also Chhaparbandi cannot be accepted in view of the said findings. Only because the said plots are mentioned as Chhaparbandi land in the deed of purchase dated 9.5.1960, it cannot be said that the same were Chhoparhandi lands.

6. In the circumstances, I find no reason to interfere with the impugned orders. Accordingly, this writ petition is dismissed. No costs.