

(2008) 04 JH CK 0087
In the Jharkhand High Court

Krishna Nath Oraon and Others	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 21-04-2008

Acts Referred:

Chotanagpur Tenancy Act, 1908 — Section 71A

Citation : (2008) 2 JCR 719

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Heard the parties finally.

2. Petitioners had challenged the order dated 18.1.2000 passed in S.A.R. Case No. 134 of 1993 by Special Officer, Scheduled Area Regulation (S.A.R.), Ranchi (respondent No. 4) u/s 71-A of the Chotanagpur Tenancy (C.N.T.) Act in, favour of respondents 5 to 10, and the order dated 18.1.2000 passed in S.A.R. Appeal No. 30R-15/2000-01 dated 16.5.2006 and also the order dated 22.5.2006 passed in S.A.R. Revision No. 52 of 2007 affirming the original order.

3. It appears that respondent Nos. 5 to 10 filed an application u/s 71-A of the C.N.T. Act which was registered as S.A.R. No. 134 of 1993 for restoration of land. After hearing the parties and considering the materials brought on the record by the parties, the Special Officer, S.A.R. passed detailed and reasoned order. It was found that the land in question was recorded in the name of predecessor of the petitioners in the khatyan. According to the respondents 5 to 10, the land in question was given to the petitioners/their predecessor in "adhbatai" (for cultivating and sharing half of the yield) in 1982-83 but when they stopped sharing half of the yield and started raising claim on the land illegally, they filed the present case for restoration of land. It was further found that petitioners could not produce anything in their support to show that they are in possession from 1936, rather the respondents 5 to 7 produced the rent receipts up to the

year 1996-97. It was also observed that if the respondents 5 to 10 had any soda hukumnama, the same is against the provision of the C.N.T. Act. It was further observed that if the lands in question were settled in favour of the petitioners in 1936, they did not take any action for creating jamabandi in their favour. Thus it is found that the claim of petitioners was a concocted claim for the purpose of grabbing the cultivable land of the respondents 5 to 10. It was further found that with regard to recent cadastral survey an objection was filed by the petitioners for correction of the records of right but the same was rejected vide Revision Cases No. 24/90 Ormanjhi and 25/90 Ormanjhi. It was finally held that the land in question was raiyatt land of respondents 5 to 10, belonging to Scheduled Tribe, and the possession of the petitioners was against the provisions of the C.N.T. Act.

4. Accordingly, the order for restoration was passed. The petitioners preferred the said appeal and after considering all the points raised by the parties, the appellate authority confirmed the findings of the original authority by passing speaking and reasoned order. Petitioners filed the said revision. It appears from the order of revision that the case of the parties was considered by the revisional authority and the revision was dismissed by affirming the earlier order by indicating the reasons. There are concurrent findings of fact recorded by the revenue authority that petitioners could not prove that they are in possession since 1936 and therefore, the judgment reported in *Fulchand Munda Vs. State of Bihar and Others*, is of no help to the petitioners.

5. In the circumstances, I find no ground to interfere with the impugned orders. This writ petition is, accordingly, dismissed. No costs.