(2006) 08 JH CK 0032

Jharkhand High Court

Case No: None

Shib Nath Mahto		APPELLANT
	Vs	
State of Bihar (Now Jharkhand) and Others		RESPONDENT

Date of Decision: Aug. 7, 2006

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 145

Citation: (2006) 4 JCR 576

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

Bench: Single Bench

Final Decision: Dismissed

Judgement

R.K. Merathia, J.
Petitioner has challenged the order dated 15.12.1997 (An-nexure-8) passed by respondent No. 2 in Ranchi Settlement Appeal No. 377 of 1988.

2. Respondent No. 5 filed objection u/s 83 of the Chhotanagpur Tenancy Act, 1908 (for short "the Act") being Objection No. 132 of 1986 for correction of record of rights. On 21.5.1986 respondent No. 4 found the objection of respondent to be correct on the basis of possession. The petitioner filed a revision before respondent No. 3 which was registered as Case No. 12/Bundu/1987. In his order dated 50.9.1988 respondent No. 3 found that ten decimal of land was recorded less in the name of respondent No. 5 but in the concluding portion, he ordered that the disputed Plot No. 982 be deleted from Khata No. 67/ka of "Prativadi" (respondent No. 5) and name of petitioner etc. be recorded. Apparently this concluding portion was contrary to the findings recorded by respondent No. 3 in favour of respondent No. 5. In the circumstances, respondent No. 5 preferred appeal before respondent No. 2 being Ranchi Settlement Appeal No. 377 of 1987-88. The respondent No. 2 corrected the said error of record in the said order, allowed the appeal and the order passed by respondent No. 4 was confirmed.

3. Mr. Anoop Kumar Mehta, appearing for the petitioner admitted that the petitioner cannot claim lands more than 3.48 acres which was settled to him by Hukumnama and which was demarcated in the demarcation case vide Annexure-3. He submitted that in a proceeding u/s 145 of the Code of Criminal Procedure, petitioner''s possession was found on the disputed land and the same was not interfered by this Court in revision. In the circumstances, he submitted that he has been in possession of the disputed land, and therefore, impugned orders are bad.

4. Petitioner did not challenged the findings recorded by respondent No. 3 in his order dated 23.9.1988 in favour of respondent No. 5, even if the concluding portion was in his favour. Apparently, the said concluding portion was an error of record in view of the findings recorded in the order in favour of respondent No. 5. In these circumstances, the respondent No. 2 has rightly corrected the order passed by respondent No. 3. In substance, all the authorities found the objection of respondent No. 5 to be correct.

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