IN THE HIGH COURT OF JHARKHAND AT RANCHI C.M.P. No.250 of 2024

Ganga Devi @ Ganga Kuer Petitioner

Versus

Madan Kumar Sahu Opp. Party ...

CORAM: HON'BLE THE ACTING CHIEF JUSTICE

For the Petitioner : Mr. Amar Kumar Sinha, Advocate

: Mr. Shashank shekhar Prasad, Adv.

Order No. 05/Dated 9th August, 2024

1. This petition has been filed under Article 227 of the Constitution of India challenging the order 27.09.2023 passed by Principle District Judge, Palamau at Daltonganj in Letters of Administration Case No.1 of 2021 whereby and whereunder the objection petition dated 24.05.2022 filed by the petitioner has been rejected.

- The case of the petitioner is that he is having the 2. valid title which she got way back on 25.01.1984 based upon which her name was mutated and she is also paying the holding tax.
- 3. The petitioner, on that pretext, has filed an application in the capacity of objector. But the said application was rejected by directing the petitioner to adjudicate the title by filing the suit before the competent court of civil jurisdiction.
- Mr. Amar Kumar Sinha, learned counsel appearing for the petitioner, has submitted that the petitioner is the

owner and in possession of the property in question by virtue of deed of transfer of possession executed way back on 25.01.1984 which means that the Will said to be of the year 1998 is subsequent to 25.01.1984.

- This Court, in course of argument, has put a query that how can only on the basis of the holding tax, the land can be mutated and the title can be established, said to be objector in the lis.
- 6. The query has also been made that nowhere it has been referred that what is the basis of claiming title since, there is no reference to that effect, save and except, that the property said to be purchased on consideration amount of Rs.50,000/- on 25.01.1984. Even there is no reference of any sale deed or the number of the deed said to be registered.
- 7. Mr. Sinha, learned counsel for the petitioner, upon this, has sought for a week's time to bring on record the deed of registration.
- 8. Time as sought for is allowed.
- 9. List this matter on 16.08.2024.

(Sujit Narayan Prasad, A.C.J.)

Birendra/