

FROM THE OFFICE OF THE GOVERNMENT PLEADER
CIVIL COURT, RANCHI

Letter No...160
Dated...12/10/11

From: Sri Mrityunjay Nath Shah Deo
Government Pleader, Ranchi

To,

The Sub-Divisional Officer

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Sub-Registrar, Bundu, Ranchi

Sub: In connection registration of Deed with respect of Bakast Mundari Khuntkatti land situated at Village - Pancha, P.S. - Bundu, P.S. No.- 90, within the District of Ranchi.

Ref: Your Letter No.-6 dated 27th July 2011

Sir,

Before delving into the matter, I focus birds eye view in the facts of this case.

That, one Gurudayal Singh Saluja has presented two deeds of sale for its registration before you with respect of land under Khata No.-62, Plot No.-608, area 10 Dec. & 12 Dec. respectively in favour of (1) Smt. Sushila Devi and (2) Nagmani Singh, but the land in question according to R.S. Record of Right is Bakast Mundari Khuntkatti under the tenure ship of the present landlord Sri Suresh Prasad Pandey.

That, on going through the recitals of deeds and document annexed with your said letter, I find that the land under Khata No.-62, Plot No.-608 situated at Village Pancha, P.S. - Bundu, P.S. No.-90 is recorded as Bakast under the tenure ship of Mostt. Lakshmin Kunwar, the Khewatdar of Khewat No.-4 and the said Khewat No.-4 stands recorded in the name of said Mostt. Lakshmin Kunwar & Others having mukarari right by virtue of Mukarari Deed registered on 28.01.1886 and 27.05.1884 and are holding the said Khewat immediately under Khewat No.-3/1 recorded in the name of Mangra Munda & Others, which is Mundari Khuntkatti.

Ajit Kumar Singh

Act
That, though CNT bars a non-mundari to obtain any right upon the Mundari Khuntkati land, but as the tenure ship was obtained through a Mukararri deed executed in the year 1886 & 1884, i.e. before coming in force of CNT Act, 1908, hence the aforesaid transfer is not hit by the CNT Act.

Further in this context, on going through Para 58 (d) of the Survey Report 1927-1935 (Ranchi by Taylor), reported with respect of Broken Mundari Khuntkatti Villages, I find that - *"Villages where the Mundari Khuntkatti system has entirely disappeared except for one or two Mundari Khunttidars cultivating their ancestral lands. In these village the surviving Mundari Khunttidars were given Khewats under which their Mundari Khunttidar lands were entered according to the area shown in last settlement. The remaining khata of the villages were prepared under their respective landlords just as in non-mundari khuntkatti villages....."*

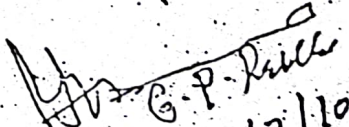
Further, in respect with the position of superior landlord in Mundari Khuntkatti Villages; at Para 59 of the said report, I find that, - *".....in villages of type (c) above his position with respect to the non-Mundari Khuntkatti area is the same as in an ordinary non-mundari Khuntkatti village."*

From the above quotation, it is apparent that, in broken Mundari Khuntkatti Villages, the Mundari Khuntkattidars were given Khewat as superior landlord and the remaining holding in possession of non-mundari were entered as in the same manner as it was prepared in non-mundari Khuntkatti Village, and accordingly the land in question was entered as Bakast in the same way, as the record of rights were prepared in non-Mundari Khuntkatti Villages and the position of Mundari Khuntkattidar remained as superior landlord in the same manner as the position of superior landlord remained in non-Mundari Khuntkatti villages, and accordingly, the land in question being Bakast by nature, remained privileged land in direct possession of the landlord and the position of Mangra Munda & Others, the Khewatdar of Khewat No.-3/1 remained as Superior landlord.

In this context, it is pertinent to mention here that, in Civil Writ Jurisdiction No.-363 of 1981 (R), our own Hon'ble High Court held that, ".....In the result this application is allowed. It is declared that as Khewat No.-5 has been recorded as Mundari Khuntkhati and Khewat No.-13, which is its subordinate Khewat, the same has not vested in the State of Bihar....."

That, since the superior Khewat No.-3/1 is Mundari Khuntkatti, the same has not vested unto the State, by virtue of Bihar Land Reforms Act, 1950, and consequently, by its effect, its sub-ordinate khewat No.-4, also not vested, though it is recorded in the name of non-mundari namely Lakshmi Kunwar & Others and since the said Laksmin Kunwar and/or the present landlord and/or the Vendor is non-tribal and since the land in Bakast by nature, hence it seems that the provision of CNT Act is not attracted, and moreover according to the direction of Hon'ble High Court in LPA No.-8/07, in the matter of registration, the registering authority is bound to register any documents presented for registration without any delay and without verifying the title of the vendor, thus from my considered view there seems no impediment on way of registration.

For your needful


G.P. Raich
12/10/11
Government Pleader, Ranchi