IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 275 of 2002

Bhuneshwar sao, son of Giju Sao, resident of village-Pakri Barwadih, P.O. Barkagaon, P.S. Barkagaon, District-Hazaribagh

… … Appellant/Appellant/Plaintiff

Versus

1.Hari Narayan Paswan **(died and substituted v.o.d. 21.09.2022)**
1(a) Manu Paswan S/o late Hari Narayan Paswan
1(b) Bediya Devi D/o late Hari Narayan Paswan
1(c) Sundary Devi, daughter of late Hari Narayan Paswan
All are r/o Barkagaon, P.O. and P.S. Barkagaon, Dist. Hazaribagh
2. Bijendra Paswan son of Rameshwar Paswan
3. Kabilash Devi, wife of Siba Ram
4. Tahal Dusadh
5. Mahabir Dushad **(died and substituted v.o.d. 21.09.2022)**
5(a) Ashok Paswan S/o Late Mahabir Dusadh, R/o village Barkagaon, P.O. and P.S. Barkagaon, Dist. Hazaribagh
6. Raghuwa Bhuiyan son of Dhanpat Bhuiyan
7. Ganesh Bhuiyan son of Balkuwa Bhuiyan
8. Mahedeo Bhuiyan, son of Durga Bhuiyan
9. Kaili devi, wife of Sibu Turi, died and substituted v.o.d. 21.09.2022
10. Kabilash Devi, wife of Sohar Dusadh
(died and substituted v.o.d. 21.09.2022)
10(a) Jashoda Devi D/o late Kabilash Devi, R/o village-Barkagaon, P.O. and P.S. Barkagaon, Dist. Hazaribagh
All residents of village, Burkagaon, P.S. Barkagaon, Dist. Hazaribagh
11. State of Jharkhand, through the Deputy Commissioner, Hazaribagh
12. The Additional Collector, Hazaribagh
13. The Land Reforms Deputy Collector, Hazaribagh
14. Anchal Adhikari Barkagaon

… …Respondents/Respondents/Defendants

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. Vishal Kumar Tiwary, Advocate
: Mr. Ankit Apurva, Advocate
: Mr. Rahul Kumar, Advocate
For the Respondents : Mr. Arun Kumar, Advocate
For the State : None

17/**20.12.2025** Heard the learned counsel appearing on behalf of the parties.

2. This appeal has been filed against the judgment and decree dated 29.08.2002 (decree signed on 09.09.2002) passed by Additional District Judge (F.T.C. I) Hazaribagh in T.A. No. 64 of 1992 affirming the judgment and decree dated 13.08.1992 (decree signed on

31.08.1992) passed by Sub Judge-I, Hazaribagh in Title Suit No. 43 of 1987.

3. The substantial question of law framed vide order dated 16.03.2005 is as under:-

"Whether the findings of the learned lower Appellate Court regarding the genuineness of the plaintiff's documents being based on only doubts and surmises, the same are perverse and illegal?

4. The learned counsel for the appellant submits that the substantial question of law has been framed by this Court vide order dated 16.03.2005. He submits that the appellant is the plaintiff, who has lost in both the courts. The learned counsel has further submitted that the plaintiff is claiming the property through the sada hukumnama dated 20.12.1942 (Exhibit 7), which was marked without any objection. The total area under the hukumnama was 11.87 acres, which consisted of two plots in khata no.2; they are plot no.399 area 8.57 acres and plot no.1900 area 3.30 acres. He submits that the hukumnama was executed in favour of the father of the plaintiff namely Giju Sao and the suit property involved in this case is regarding plot no.399 area 8.57 acres.

5. Prayer of the plaint is quoted as under:

(i) That it be declared that the plaintiff has got subsisting title over Schedule 'A' lands and the parchas granted to defendant nos.1 to 14 do not affect the right, title and interest of the plaintiff.

(ii) That possession of the plaintiff over schedule 'A' lands be confirmed, and in the alternative if it is found by the court that the plaintiff has been dispossessed, recovery of possession be affected through the process of the court.

(iii) That by an order of permanent injunction the defendant nos.15 to 18 be restrained from effecting delivery of possession of the suit lands to the defendant nos.1 to 14 on the basis of the parchas granted by them.

(iv) Cost of the suit.

(v) Any other equitable relief or reliefs to which the plaintiff be found entitled to be also awarded to the plaintiff.

6. The dispute is in relation to village Pakri, Barwadih, District – Hazaribagh Mauza – Barkagaon. The learned counsel has submitted that in the same village with respect to plot nos.400, 401 and 402 of khata no.59, the ancestor of the plaintiff had raiyati land, which has been exhibited before the learned court vide exhibit 10. He further submits that upon acquiring the property through hukumnama dated 20.12.1942, the plaintiff's ancestor namely Bal Govind Teli, the grandfather of the plaintiff amalgamated the land in plot no.399, khata no.2 acquired through hukumnama in the ancestor property. The plot no.400 in khata no.59 is adjoining to plot no.399 of khata no.2.

7. The learned counsel submits that after issuance of hukumnama dated 20.12.1942, the ex-landlord of Ramgarh Raj, issued rent receipt dated 15.02.1945 (exhibit 4) for previous four years i.e. from 1942 to 1945. He submits that the year mentioned in the exhibit 4 is Vikram Samvat 1999, 2000, 2001 and 2002 which upon deduction of 57 years would come to English Calander year 1942, 1943, 1944 and 1945. He submits that even this rent receipt was marked without any objection.

8. The learned counsel has further submitted that upon vesting of zamindari, the father of plaintiff was recognized as a raiyat for the disputed property also and the State accepted rent from the father till the year 1981-1982 vide exhibit 5 series – 5, 5A and 5B. These rent receipts were also marked exhibits without any objection.

9. The learned counsel has also referred to exhibit 6, which was marked without any objection and submits that this is a letter of one Sri Mahendra Lal, Beat officer, who is government officer of village Barkagaon. He has certified that plot no.399 area 8.57 acres in khata no.2/59 is recorded in the name of father of the plaintiff, and the Forest Department with the consent of the father of the plaintiff had planted trees on the property in 1974 and has also certified that the Forest Department has no claim over the said land and the owner is the father of plaintiff namely Giju Sao.

10. The learned counsel for the appellants submits that the cause of action to file the suit arose when some portion of plot no.399 was settled in the name of the defendant nos.1 to 14 by the State without

any notice or istehar and ultimately those persons had moved the office of LRDC for the purposes of issuance of rent receipt and the LRDC cancelled the rent receipts of the plaintiff unilaterally and without any show cause. Such order was challenged by the plaintiff before the Appellate Authority and the order was confirmed. Thereafter, the plaintiff went before the Revisional Authority and the Revisional authority remanded the and ultimately the order of the LRDC was sustained by the Additional Collector vide exhibit D. The learned counsel submits that the name of the plaintiff/his ancestor continued to be in Register II. Although Register II has not been exhibited but a reference has been made in Exhibit D, which is the order of the Additional Collector dated 04.06.1986, which shows that the name of the father of the plaintiff was appearing in the Register II.

11. The learned counsel submits that 50 decimals of land was allotted to each of the private defendant nos.1 to 14. He submits that one such case is in relation to Harinarayan Paswan (defendant no.1), who was also the defendant in Bandobasti Case No.52 of 1976-1977. He submits that this person claims to be in possession of the property since 1975 as per their written statement, but the Bandobasti case itself was instituted in 1976-1977.

12. Learned counsel has submitted that the question of bandobasti by the State would only arise if the property belongs to the State. He submits that the State had filed written statement but no witness was examined on behalf of the State. One *karamchari* of the state was examined as D.W. 8, however in his evidence he has deposed on behalf of the private defendants.

13. Learned counsel has also raised the plea of adverse possession on behalf of the appellants in paragraph 21 of the plaint.

14. Learned counsel for the appellant has submitted that although the Jamindari return and the order by which jamabandi was opened has not been exhibited before the learned court, but the exhibit-D which was cause of action and was the order arising out of proceeding relating the cancellation of rent receipt revealed that entry was made in the Register-II and the jamabandi was opened in favour of the

plaintiff. He has submitted that this document was enough to show that the property was acquired by the father of the plaintiff in the year 1942 followed by issuance of rent receipt in the year 1945 and upon vesting of Jamindari in the year 1956, the land was recorded in Register-II in favour of the plaintiff after opening of Jamabandi which was opened in the year 1973 followed by issuance of rent receipt by the State which was cancelled by the State and was subject matter of consideration in the proceeding relating to cancellation of rent receipt.

15. During the course of hearing, it also transpired that neither the Register-II was exhibited nor jamindari return was filed nor the order of opening of Jamabandi has been exhibited before the learned court and admittedly the Hukumnama was an un-registered document.

16. The learned counsel appearing on behalf of ***the respondents*** on the other hand has vehemently opposed the prayer and has submitted that the learned courts have not passed the order against the plaintiff on account of doubts and surmises but the learned courts have passed the order after considering every materials on record and have found that the plaintiff did not succeed in proving his case. The learned counsel has submitted that perusal of the impugned judgments in totality reveals that every aspect of the matter has been taken into consideration and the suit was dismissed not merely on doubts and surmises. He submits that there is no perversity in the impugned judgments therefore the substantial question of law be answered in favour of the respondents and against the appellant.

17. ***After hearing the learned counsel for the parties,*** this court finds that the suit was filed by the plaintiff seeking a declaration that they have subsisting title over Schedule-A land and that the *purchas* granted to the defendant nos. 1 to 14 the private defendants did not affect their right, title and interest over the property. The plaintiff also sought a declaration that the possession of the plaintiff be confirmed and, in the alternative, if it was found that the plaintiff has been dispossessed, the plaintiff also sought a relief for recovery of possession. The suit property was in Schedule-A which belong to

Khata No. 2 plot no. 399 area 8.57 acres with a clear boundary and the property was described as *gair majarua (raiyati)* land of Khata No. 2 of village Pakri-Barwadih, P.S. Barkagaon Thana no. 56 District Hazaribagh. The plaintiff claimed property by virtue of Sada hukumnama of the year 1942 and one rent receipt said to have been issued by the ex-jamindar in the year 1945 for four years from 1942 onwards. The plaintiff claimed that upon vesting of Jamindari, they were found to be the raiyats and Jamabandi was opened in their name which was followed by issuance of rent receipt by the State and the rent receipt issued by the State were also exhibited before the court. The cause of action arose when settlements were made with respect to property in favour of private defendant nos. 1 to 14 and purchas were issued in their name and the Revenue Authority cancelled the rent receipts issued in favour of the plaintiff. There has been a number of proceedings in connection with the cancellation of rent receipts in which the plaintiff had ultimately lost which led to filing of the title suit and the relief has been prayed.

18. The State as well as the private persons in whose favour settlement was made were party in the suit and the State as well as the private defendants filed their respective written statements challenging the right, title, interest and possession of the plaintiff in connection with the suit property. The learned Trial Court framed the following issues for consideration: -

(i) Is the suit maintainable in its present form?

(ii) Has the plaintiff got any cause of action for the suit?

(iii) Is the suit barred by law of limitation and adverse possession?

(iv) Has the plaintiff title and possession over the suit land?

(v) Is the plaintiff entitled to get a decree as prayed for?

(vi) Any other relief or reliefs to which the plaintiff is entitled to?

19. The issues no. (iv) and (v) in connection with the right, title, interest and possession of the plaintiffs and as to whether the plaintiff is entitled for a decree in his favour was decided by the learned Trial Court vide paragraph 5 onwards. The learned Trial Court has

discussed the materials on record both oral and documentary and has recorded the following findings (in English translation): -

> *" 10…….Therefore, in the light of the aforesaid facts and evidences submitted in the present suit, I am compelled to arrive at the conclusion without hesitation that the documents submitted by the plaintiff are not reliable and right, title and interest on the disputed land cannot be declared on this basis nor their imaginary possession can be affirmed on it. As far as the documents submitted by the defendants are concerned, it is clear from Ext- A series, B series, C series and D series that the disputed land was vested in the Bihar Government after abolition of Zamindari. Thereafter, a camp of Geological Survey of India was set on the disputed land for ten years and after the removal of the camp, some part of the land was forested by the Forest Department. Thereafter, the disputed land was settled in favour of landless Harijans after measurement and local investigation. The defendant no. 1 to 14 are the Harijans. Learned Advocate for the plaintiff failed to submit any reason or ground to suspect the reliability of these documents submitted by the defendants. If the statements of all the witnesses no. 1 to 14 for defendants are ignored, witness no. 15 to 18 including Nageshwar Prasad are independent witnesses, who have no relation with defendants in present suit. It is clear from their statements and the documents submitted by the defendants that the disputed land was owned by the Bihar Government and was duly settled in favour of defendant no. 1 to 14. However. The statements of all the witnesses examined on behalf of defendant no. 1 to 14 are independent, reliable and in concurrence with the documents produced on behalf of the defendants. Therefore, I arrive at the conclusion without any hesitation that the statements of the witnesses examined on behalf of the defendants and the documents submitted on their behalf are reliable enough and valid and there is no reason and ground available on the record to deny them.*
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> *11. The further argument put forward by the learned advocate of the defendants was that it is clear from the statements of the plaintiff and his witnesses, as well as the evidence and statements presented by the defendants, that a camp of the Geological Survey of India existed on the disputed*

land ten years prior to 1975, and arrangements had been made for the accommodation of the officers of the said department and also for the maintenance of their vehicles and machinery on it. Therefore, in such a situation, the plaintiff's claim in his plaint that he and his father have been cultivating the disputed land without any interruption from 1942 to the present day becomes doubtful. Therefore, in this light, the facts stated by the plaintiff in his plaint and the documents submitted by him such as Hukumnama, rent receipts and land measurement report become doubtful. The learned advocate of plaintiff's failed to present any cogent and convincing argument in support of this contention, rather he himself admitted during the course of arguments that the Geological Survey of India had not taken the disputed land from the plaintiff on rent, lease or in any other form. Therefore, it is clear that the plaintiff was never came in possession of the disputed land and is not in possession of it, otherwise it would not have been possible for the Geological Survey of India camp to remain on the land for ten continuous years and it would not have been possible to cultivate the land during the camp's work on the disputed land. Learned advocate of the defendants further argued that the facts submitted by the defendants with regard to construction of well is more reliable. The advocate for the defendants further submitted that the claim made by the plaintiff that he cultivates the disputed land by amalgamating it with his Raiyati land is baseless, because the defendant has opposed it from the very beginning and if that was the case, the plaintiff should have prayed for appointment of a pleader commissioner and got the disputed land inspected, but he failed to do so. Learned advocate for the plaintiff has not given any concrete argument in this regard and it is on record that during the local inspection of the disputed land by the learned Deputy Collector, it was not found that the plaintiff has amalgamated the disputed land with his Raiyati land and is cultivating the same, which is also mentioned in Exhibit-D and this is also clear from the evidence of Defendant Witness No. 8.

12. Thus, under the facts and circumstances discussed above and on the examination of the evidence as above, it becomes clear that the

documents filed on behalf of the plaintiff regarding the disputed land such as Hukumnama dated 20.12.1942, measurement report dated 15.3.1942, rent receipt dated 15.3.1945 and three rent receipts issued from circle office, which are marked as exhibit-7, 3, 4 and 5 to 5/B, are not reliable and on the basis of such doubtful documents, the right, title and interest of the plaintiff over the aforesaid disputed land cannot be declared nor his possession over the same be confirmed. It is also clear from the aforesaid discussed evidence and facts that the plaintiff is not entitle for decree for the disputed land. Therefore, both the issues have been decided in negative."

20. Upon perusal of the finding of the learned trial court it appears that the learned trial court has threadbare considered the materials on record and have found that the plaintiff has not been able to prove his case of right, title, interest and possession with respect to the suit property. The learned Trial Court has considered the inconsistencies in the materials placed on record and has come a definite finding that the documents placed on record by the plaintiff to assert his title were not believable.

21. This court further finds that neither the Register-II was exhibited before the Court, nor the order of opening Jamabandi was exhibited and admittedly the Hukumnama was an un-registered document. Even the zamindari returns were not exhibited before the Court and there was one solitary rent receipt said to have been issued by the ex-zamindar of the year 1945 for consolidated period from 1942-1946. Admittedly the zamindari vested in the year 1956. The learned Trial Court has considered the relevance of each of the documents exhibited by the plaintiff and has then dismissed the suit. This court is of the view that the judgment passed by the learned trial court upon complete reading, which has been placed by the learned counsel during the course of hearing, reveals that it was the plaintiff who was not able to prove his case on the basis of materials relied upon and other material evidences which could have help the plaintiff to prove his case were not exhibited before the learned court.

22. So far as the learned 1st appellate court is concerned, the same issues were considered. The learned 1st appellate court has also considered the materials on record and upon full reading of the judgement of the learned 1st appellate court which has been placed by the learned counsel for the appellant during the course of hearing it is apparent that the plaintiff has not been able to prove his right, title interest and possession with respect to the suit property. The finding of the learned 1st appellate court is quoted as under: -

> *"17……..The learned counsel for the plaintiff appellant has also not advanced any plausible and believable argument upon the genuinity of the exhibit 3,4 and 7 for which a plausible and believable argument was made by the learned defendant respondent counsel as on plain perusal of Hukumnama (Ext. 7) it appears that endorsement by red ink and pencil was made on that documents on old paper some times ago as such the endorsement made by red ink on old paper spread over and which makes the document unreadable. On perusal of Ext. 7 it becomes clear that the signature along with date and number written on that Ext. 7 dated 20.12.1942 makes it clear that the date, signature and number was not of dated 20.12.1942. The learned defence counsel in course of argument pointed that the plaintiff has knowingly put ink upon Ext. 7 writing by black ink and by making spread over that writing which makes it clear that the plaintiff has tried to concealing his doing upon the said Ext. 7 on plain perusal of Ext. 7 it appears that said exhibit has not come in existence in the year 1942 as it become crystal clear from the writing and signature made upon that Exhibit later on. So far the question of Ext. 3 on its perusal it clearly appears that endorsement by new ink some years ago was made on the old document and get it prepared which becomes corroborated by the assertion of the Amin by the said Amin who had measured the disputed plot on 15-3-42 and certified copy of the said document was issued from Rangarh Raj on 22-2-42 and the learned counsel of the*

plaintiff-appellant had not advanced any correct and plausible argument of the disputed claim with regard to two dates. The original of Ext. 3 came into existence on 15-3-42 and its certified copy was issued on 22-2-42 about one month prior to that. So, the question of issuing of certified copy prior to the original came into existence has not got any plausible ground at first the original will be granted for the copy will be issued later on. So far the question of Ext. 4 which is rent receipt granted in favour of the plaintiff by the ex-landlord. It cannot be believed in view of discussion made with regard to Ext. 3 and 7 as the discussion made ever with respect to Ext. 3, 4 and 7 in no case it is believable and the evidence of the plaintiff and his witnesses on the said point are also not believable an none of the witnesses of the plaintiff are competent to corroborate the fact of 1942 as none of the plaintiffs are Independent witnesses. Whereas the claim and the argument made on behalf of the respondent defendant and the witnesses deposed on behalf of defendants. The evidence and statement of the witnesses of the defendant are material one which corroborates the defendant's claim over the disputed plot. So far the Ext. 5, 5/A and 5/B is concerned, the receipt which is Ext 5/A and 5/B are not readable and Ext. 5 is only be perused. On this point the learned counsel on behalf of the appellant plaintiff argued that after vesting of the Zamindari of ex-landlord the plaintiff was recognised as recorded tenant of the disputed land by the Bihar Government and recent-receipts were issued in favour of the father of the plaintiff on which basis the plaintiff has right title and possession over the disputed plot which corroborates the right title and interest and possession upon the disputed plot of the plaintiff. Whereas the learned counsel of the defendant respondent argued that when Ext 7, 3 and 4 cannot be believed then there is no question of declaration of title be declared in favour of plaintiff on the basis of Ext. 5 series. It is also argued by him that Ext. 5

series were wrongly granted by the said Karamchari on forged document as when the true fact became clear to the said Karamchari and the Officer the rent-receipts granted by government was cancelled as there was no order of the competent authority with respect to granting of the receipt. It has also been argued on behalf of the learned defendant respondent counsel that if the fact of the case of the plaintiff is true in that case there must be other rent-receipts which were continuously granted by the ex-landlord and by the state of Bihar, but the case of the plaintiff is not of the said fact. So, it appears that all the rent-receipts of the plaintiff is forged one. The learned counsel of appellant plaintiff had not to be any concrete argument advanced on behalf of the defendant respondent counsel with regard to said fact. The learned lower Court had rightly decided the said fact of the issued by coming into conclusion on the basis of the evidence and fact of the case that the documents which are Exhibits filed on behalf of the plaintiff appellant are not believable on which basis the Right and title shall be declared in favour of the plain-tiff on the disputed plot. The lower Court has also Correctly come to conclusion that the only artificial and imaginary possession of the plaintiff can be ascertained only. So far the documents filed on behalf of the defendant respondent which is Ext. A series, B series, C series and D series it becomes clear that after vesting of the Zamindari the disputed plot was vested into the ownership of State of Bihar on which for about 10 years there was a Geological Survey of India Camp was set up and after completion of the work of the camp the forest department had planted forest upon some portion of the land and after measurement and local inspection made by the government authorities the disputed land was settled by the State Government in favour of landless Harijans who are defendants 1 to 14 of this case. The plaintiff appellant advocate had not placed any reason and ground to disbelieve the genuineness of the documents

filed on behalf of the defendant. D. W. 8. Nageshwar Prasad Singh is an independent witness who had no concern with the parties of this case and on the basis of the statement of this witness and on the basis of document filed on behalf of the defendants it becomes clear that the said disputed plot was in possession of the State of Bihar which was legally settled in favour of defendants 1 to 14. The evidence of the defence witnesses are independent, believable and corroborate the document of the defendant-respondents. The learned lower Court has rightly came into conclusion that in rightly deciding the fact that the evidence of the defendant witnesses and the documents filed by them are believable and genuine, which cannot be discarded.

18. *It is further submitted on behalf of the defendant respondent that it becomes clear from the evidence of the plaintiff appellant and his wit-nesses and also the facts and evidence stated by the respondent defendants that there was a Geological Survey of India Camp was set up on the disputed plot there was to 1975 till 10 years and in course of working of the department's officers residence was there and for the purpose of keeping vehicle and machineries arrangement was made on the disputed plot. So, the contention of the plaintiff that since 1942 he alongwith his father are coming into peaceful possession over the disputed plot become doubtful and in that view the documents viz. Hukunnama, rent-receipts and measurement report of the plaintiff are also become doubtful. The learned plaintiff appellants counsel has failed to advance any believable argument on said fact. Whereas in course of submission he has admitted that Geological Survey of India Department has not taken the disputed plot on rent or Patta or in any way. So, it becomes clear that the plaintiff appellant is never in possession over the disputed plot. But there Was Geological Survey of India camp over the disputed plot for several years and in course of working of the camp on the disputed plot it was not*

possible to cultivating the land. The defendant respondent counsel further submitted that the facts submitted by the defendant with regard to construction of well on the disputed plot is more believable. Whereas the submission made on behalf of plaintiff appellant is baseless one that he had amalgamated the disputed land into his Raiyati land and if the facts remain there in that condition the plaintiff appellant have made prayer to appoint a pleader Commissioner and got the disputed land enquired. But, the plaintiff appellant counsel had not advance any plausible fact nor had comes on the record. It is further submitted that in course of local inspection of the disputed land made by learned L.R.D.C. 1 was not found that the plaintiff have amalgamated the disputed plot into his Raiyati land and cultivating the same which is mentioned in the Ext. D as well as it also becomes clear from the evidence of D.W. 8.

19. *Under the facts and circumstances discussed above and on the examination of the evidence above becomes clear that the documents filed on behalf of the plaintiff-appellant Hukumnama dated 20-12-42, measurement report dated 15-3-42, rent-receipt dated 15-2-45 and 3 rent-receipts issued from Anchal Officer which are Ext. 7, 3, 4, and 5 to 5/B are not believable and on the basis of doubtful documents the plaintiff's right title and interest over the disputed land cannot be declared nor his possession be confirmed over the said disputed land and the plaintiff is also not entitle for decree on the basis of aforesaid discussed evidence and facts over the disputed plot. So, both the issues are decided against the plaintiff appellant. The lower Court has correctly decided both the issues against the plaintiff-appellant."*

23. In view of the aforesaid facts and circumstances this court is of the view that the findings of the learned Trial Court regarding genuineness of the plaintiff's document is not merely based on doubts and surmises but are based upon appreciation of materials on record which has led to the documents being declared doubtful. The learned

Trial Court as well as the learned 1st appellate Court have discussed the materials on record threadbare to come to a definite finding that the plaintiff has failed to prove his right, title, interest and possession with respect to the suit property and the private defendants have proved vide exhibit-A to D that the property vested in the state government. It is also important to note that there is consistent evidence on record that a camp of Geological Survey of India was set on the disputed land for ten years and after the removal of the camp, some part of the land was forested by the Forest Department. Thereafter, the disputed land was settled in favour of landless Harijans after measurement and local investigation.

24. In view of the aforesaid facts and circumstances, this court is of the considered view that the findings of the learned 1st Appellate Court regarding the genuineness of the plaintiff's documents were not merely based on only doubts and surmises. The findings are based on threadbare examination of the materials on record, both oral and documentary. Further, the findings are neither perverse nor illegal. Accordingly, the substantial question of law is answered against the appellant and in favour of the respondents. This appeal is accordingly dismissed.

25. Pending I.A., if any, is closed.

26. Let this order be communicated to the court concerned through FAX.

(Anubha Rawat Choudhary, J.)

Dated: 20/12/2025
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