

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**S.A. No. 266 of 2008**

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The State of Bihar (Now Jharkhand) & Ors.

....    ....    ....    Appellants

*Versus*

Smt. Upasi Devi & Anr.

....    ....    ....    Respondents

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**CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Appellants        : Mr. Praveen Akhouri, SC Mines-I

: Mr. Diva Kant Roy, AC to SC Mines-I

For the Respondents    : Mr. A.K. Sahani, Advocate

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**Order No.09 Dated- 06.12.2022**

Heard the parties.

This appeal will be heard on the following substantial questions of law:-

(i) Whether the sale deed marked Ext. 1, on the basis of which the plaintiff claims title over the suit land having been obtained by the plaintiff who is admittedly of Bhumihar Brahman caste as mentioned in the said sale deed itself and the vendor of the said sale deed Shri Jyoti Lal Mahto and three others all are of Kurmi Mahto caste which comes under the backward classes; could have conferred a valid right, title and interest in respect of the suit land in favour of the plaintiff, in the absence of any permission from the Deputy Commissioner, in view of the prohibition for the same contained under Section 46 of Chota Nagpur Tenancy Act, 1908?

(ii) Whether both the courts below have committed perversity by passing an un-executable decree in respect of the suit land which has no definite boundary and thus of insufficient description?

Admit.

Mr. A.K. Sahani, Advocate receives notice on behalf of the respondents.

Call for the Lower Court Records.

List this appeal for hearing after a week.

Sonu-Gunjan/-

**(Anil Kumar Choudhary, J.)**