



उपायुक्त-सह-जिलादण्डाधिकारी का न्यायालय, गिरिडीह।

(Email id- dcourt.grd@gmail.com)

Miscellaneous Case No. 24/2012

Shanti Mandal and Others vs Pritam Mahto and Others

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ORDER

29.11.24

This case has been filed as Miscellaneous Case No. 24/2012 Shanti Mandal and Others vs Pritam Mahto and Others. It pertains to land of various Khata and Plots in Mouza- Pariyana, P.S. Giridih(M) which are claimed as Gair Mazrua Khas Land/ Parti Kadim, Aam (common) Rasta/ Survey Rasta and Gochar Land in the petition and written statement of petitioners and Opposite Parties.

The Petitioners claim that the certain plots of land in question are being used as road. And that since long a temple of Goddess Durga is situated there and on occasion of Chaiti Kali, fair is being held. And that a government primary school is running over certain plots of land. The petitioners allege that the Opposite Parties are hindering the people of the area from common use. And that the Opposite Parties are trying to grab and sell the public land through forged and fabricated documents- 'Farzi Hukumnama'. And that Opposite Parties have constructed house over the certain plots of land in question and have diverted the road.

The Opposite Parties claim that certain plots of land are Gair Mazrua Khas land of which one Harihar Nath Singh was the ex-

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landlord who settled certain land to different raiyats of the locality by virtue of Hukumnama by accepting Nazrana and fixing rent of the said land executed and delivered possession to his raiyats. And that the settlee acquired their raiyati kayami right, title, interest and possession since the date of settlement, paid rent to the ex-landlord and after vesting of zamindari, the names of settlee mutated in the office of Circle Officer, Giridih and zamabandi of the said land was opened in the names of the above noted settlees, their names have been entered in Register II. And that the Opposite Parties are the real owners of the said plots of land and are paying rent to the State since the date of vesting of zamindari and are cultivating and enjoying the usufructs without any interruption. And that they have also sold some portion of the land by virtue of registered sale deed. And that they being real owners of the said plots of land, donated 40 decimals of land to the State where two big buildings of primary school and a building of Anganbadi Kendra Pariyana have been constructed. And that a kachha road has also been made by the government with the consent of the Opposite Parties, passing through certain plot. And that they have constructed residential house, compound wall and have planted several trees over the said plots after settlement of the said plots of land. And that a Title Suit No. 225/09 is sub-judice in the court of Munsiff, Giridih between brother of one of the petitioners and Opposite Parties members which proves their prior enmity. And that both parties were involved in police case (FIR) and Sec 107 CrPC proceedings. And that the Opposite Parties have donated 40 decimals to State over which a big cooperative godown has been constructed by the State. And that a Title Suit No. 71/2005 with respect to certain plot of land in question is still pending in the Court of Munsiff, Giridih.

gj.

And that they have no concern with certain plot of land which is Aam Rasta. The Opposite Parties mention about some NOC with respect to certain plot about which they say that after enquiry based on report submitted by Karmchari, Circle Inspector and Circle Officer, D.C. Giridih certified the report. However this Court opines that it is not clear what the Opposite Parties are implying by it. The Opposite Parties also mention about several persons, that they have constructed house compound and paddy field and they are in possession whether legal or illegal. This Court opines that this statement is also not clear, what the Opposite Parties are implying by it.

Heard the Ld. GP on various points of submission made by both the parties and on other points available in the case record. On account of the aforementioned matters, points and arguments submitted/given by Ld. Advocates of both parties, opinion of Ld. G.P. and upon perusal/ examination of the various documents available on record, the Court comes to the conclusion that the point of contention is regarding the ownership and usage of the said plots of land which have three different nature: Gair Mazrua Khas Land/ Parti Kadim, Aam (common) Rasta/ Survey Rasta and Gochar Land.

The Court directs Additional Collector, Giridih, Land Reforms Deputy Collector, Giridih and Circle Officer, Giridih to make a detailed inquiry regarding the true nature of each plot of land in question. And thereafter to verify the genuinity of the documents submitted by both the parties, particularly those submitted by the Opposite Parties. And thereafter verify the genuinity of settlement of said plots of land, Hukumnama and related revenue records/documents. They are also directed to take into account the order passed in the aforementioned sub-judice civil suits concerning the said plots of lands. Based on the findings the concerned officers are

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directed to proceed as per law.

Let a copy of this order be provided to both parties and all concerned. Due to busy schedule in law and order and other administrative work this order is passed today.

Dictated and Corrected by me .

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JF 29/11/24

Deputy Commissioner
cum
District Magistrate,
Giridih

86-
JF 29/11/24

Deputy Commissioner
cum
District Magistrate,
Giridih

Memo No.932....., Date 29/11/2024

Copy to: Additional Collector, Giridih and Land Reforms Deputy Collector, Giridih and Circle Officer, Giridih for information and necessary action.

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Deputy Commissioner
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District Magistrate,
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District Magistrate,
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