

आदेश ,
के बारे में ,
तारीख सहित
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आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख के
साथ

14/3/24

**In the Court of Divisional Commissioner,
Santhal Pargana Division, Dumka**

R.M(Objection)Revision No.298/2023-24

Md. Shamim & Others

-VTS-

Md. Yasin Ansari & Others

Order

The instant revision has been filed by the petitioners against the order dated 02.09.2022 passed by the Settlement Officer, Santal Pargana, Dumka in Revenue Misc. (Objection) Appeal No.19 of 2020. The Settlement Officer has set aside the order dated 05.12.2019 passed by the Assistant Settlement Officer, final publication camp, Saraiyahat in T.B (Objection) No.1661 of 2017.

The brief fact of this case is that J.B No.5 of Mouza-Singhani, S.C-Kaswa stands jointly recorded in the name of Jamaluddin Mian pradhan, Raju Mian and Imadali Mian and Janu Mian s/o Hadlu Mian and Sufali Mian and Rahim Mian and Aliman Mian s/o Tufani Mian in the last survey settlement commonly known as Mr. Ganzter's settlement. The petitioner's and O.P's ancestors were jointly recorded in the remarks column of the purcha of the last survey settlement. During the present survey settlement operation a new J.B No.28 was carved out from J.B No.5 of Mouza-Singhani, which is recorded in the names of Ranglu Mian and others.

During present survey and settlement operation in new plots no.16, 50, 5, 62, 63, 66, 122, 194, 363, 366, 64, 65, 74, 130, 218, 244 and 372, the name and possession of the O.P's have been recorded in remarks column of purcha and the names and possession of petitioners are not recorded. The petitioners filed a time-barred (Objection) No.1661 of 2017 before the court of Settlement Officer, Santal Pargana, Dumka and the Settlement Officer was pleased to transfer it to A.S.O, final publication camp, Saraiyahat. The A.S.O, final

publication camp, Saraiyahat passed order dated 05.12.2019 to record the names and possession of the petitioners for the abovesaid plots alongwith the O.Ps. The O.Ps being aggrieved at and dissatisfied with the order filed Rev. Misc. (Objection) Appeal No.19 of 2020 appeal in the court of Settlement Officer, Santal Pargana, Dumka. The Settlement Officer, Santal Pargana, Dumka vide his order dated 02.09.2022 allowed the appeal and set aside the order passed by A.S.O in T.B (Objection) No.1661/2017. Being aggrieved at and dissatisfied with the order, this revision has been filed.

The learned counsel of the petitioners submitted that the Settlement Officer, Santal Pargana, Dumka was confused in deciding matter and had quoted the order dated 15.03.2011 passed in Misc. Case No.317/2005 of Charge Officer-II, Dumka, in which it was stated that the claim of the petitioners were already decided. Although from the perusal of the order it transpires that the said case was filed in between the other raiyats and that he has not finally decided the matter between the O.Ps and present petitioners. The Settlement Officer directed petitioners to file revision in the court of Commissioner, S.P. Division, Dumka. The Charge Officer-II, Dumka has passed order holding that the purcha has been finally published and so to pass any order will not be relevant. The Settlement Officer, Santal Pargana, Dumka has misunderstood the fact and allowed the appeal. The order is not maintainable. The Assistant Settlement Officer, final publication Camp, Saraiyahat has passed order on the basis of the possession of last survey settlement. The Settlement Officer, Santal Pargana, Dumka is a competent authority empowered to revise any order and decision passed by the A.S.O. The A.S.O while deciding the objection suit has found the excess share of the O.Ps and petitioners name and possession has not been properly mentioned. The Settlement Officer, Santal Parganan, Dumka has set aside the just and reasonable order passed by the A.S.O, final publication camp, Saraiyahat dated 05.02.2019 in T.B Appeal No.1661/2017. The order passed by the Settlement Officer, Santal Pargana, Dumka is not maintainable and fit to be dismissed. In the light of above submissions prayed to allow the appeal.

The learned counsel of the O.Ps submitted that the T.B Appeal has been filed after a lapse of 17 years. The claims of the petitioners has been earlier rejected by the Charge Officer-II in Settlement Misc. Correction Case No.317/2005 dated 25.03.2011 and again T.B (Objection) No.1661/2017 was

filed by the present petitioners alongwith others against present O.Ps Yasir Mian and others before the court of Assistant Settlement Officer is not maintainable. The Settlement Officer, Santal Pargana, Dumka in Revenue Misc. Appeal No.19 of 2020 dated 02.09.2022 has rightly set aside the order passed by the A.S.O, final publication camp, Saraiyahat in T.B (Objection) No.1661/2017 dated 05.12.2019. The counsel further submitted the order passed by the Settlement Officer, Santal Pargana, Dumka is correct and genuine. In the light of above submissions prayed to dismiss it.

Heard both the parties and perused entire documents available on record. I find that the learned A.S.O, final publication camp, Saraiyahat in T.B (Objection) No.1661/2017 dated 05.12.2019 has passed a reasonable and legal order. The Settlement Officer in R.M (Objection) Appeal No.19/2020 has wrongly interfered in the order passed by the A.S.O holding that the matter has been earlier decided by the court of Charge Officer-II in Rev. Misc. No.317/2005 dated 25.03.2011 and in the light of the order, the order of the A.S.O has been set aside and further suggested to file revision in this court.


I am in opinion that the order passed by the Settlement Officer, Santal Pargana, Dumka in R.M (Objection) Appeal No.19/2020 has not been passed in accordance to law. It seems unreasonable and erroneous. Therefore, I set aside the abovesaid order passed by the Settlement Officer and the order passed by the A.S.O in T.B (Objection) No.1661/2017 dated 05.12.2019 is restored.

Hence the revision is allowed.

Dictated and Corrected by me


14/3/24
Commissioner

Santhal Pargana Division,
Dumka


14/3/24
Commissioner

Santhal Pargana Division,
Dumka