

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई¹
कार्रवाई के बारे में
टिप्पणी तारीख के
साथ

(7) 25

**In the Court of Divisional Commissioner,
Santhal Pargana Division, Dumka****R.M(Objection)Appeal No.58/2024-25**

Rameshwar Mandal and others

-Versus-

Manoj Sah and others

Order

The instant appeal has been filed against the order dated 01.09.2023 passed by the learned Settlement Officer, Santal Pargana, Dumka in his Objection Case No.669 of 2021, wherein and whereunder setting aside the Objection case filed on behalf of the appellant.

The brief fact as submitted by the appellant is that J.B No.28 of Mouza-Chhotiranbahiya No.34, S.C-Siltha within Anchal-Ramgarh, District-Dumka stood recorded in the names of Puran Mandal and Shiv Charan Mandal S/o-Prasadi Mandal. The appellants are heir of recorded tenant puran Mandal. The next recorded tenant Shiv Charan Mandal died issueless leaving behind his surviving brother Puran Mandal and his sons. During present settlement operation at Khanapuri stage old J.B No.28 Mouza-Chhotiranbahiya was carved out as New J.B No.185 and was recorded in the names of Sahdeo Mandal, Dhadhi Mandal and Rameshwar Mandal S/o-Puran Mandal. The disputed Plot No.794/678 and 676 area 09 Decimals was recorded as 'Makan Mai Sahan' and New Plot No.793/676 was also recorded as Makan Mai Sahan having an area of 30 Decimals and the plots were recorded in the possession of appellants. The ancestor of respondents claimed that they had Exchanged this Jamabandi land vide Exchange Case No.121 of 1933-34 by the court of S.D.O, Dumka. The ancestor of respondents had exchanged 01.12 Acres of land out of old Plot No.576 and 15 Decimals of land out of Plot No.156 measuring total area of 02 Bighas 14 Kathas and 01 Dhur land with appellant's Plot No.676 measuring 02 Bighas 07 Kathas and 01 Dhur of land and also 6 Kathas and 19 Dhurs of land out of old Plot No.678 appertaining to J.B No.28 of Mouza-Chhotiranbahiya but the said exchanged land are in possession of the appellants. The alleged exchange was not acted upon. The house of the appellants stand on Plot No.794/678, 676 (P) area of 09 Decimals and part

area of present Plot No.793/676 and possession of the appellant was found on land in question. Pradeep Kumar (the grandson of Jairam Sah the alleged exchanged taker) filed settlement correction case before the Settlement Officer, Santal Pargana, Dumka for the correction in the entry of New J.B No.185/28 with respect to abovesaid Plots, which was registered as Settlement Correction Case No.238 of 2007. The case was transferred to the court of the Charge Officer (Settlement) who vide order dated 20.01.2011 allowed it. Being aggrieved at and dissatisfied with the order, this appeal has been filed.

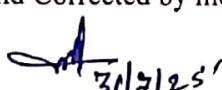
The learned counsel of the appellants submitted and argued that the impugned order is bad in law and against the fact and circumstances of the case. The learned court confused in deciding the provision either of S.P.T and Regulation-III of 1872. The lands have been not properly exchanged as the rules provided. The appellants have been wrongly evicted from the house plot. The learned lower court has ordered to correct the Map. The enquiry report conducted in the presence of 16/- Anna raiyats of the village and appellants was found in possession but it was put into oblivion. The order as passed is not tenable. In the light of the above stated submissions prayed to allow the appeal.

The learned counsel of the respondents submitted and argued that the learned lower court has passed a proper and legal order. The ancestor of the respondents as well as appellant have duly exchanged their land and thereafter possession over exchanged land vide report dated 16.01.1934 was confirmed by the court of S.D.O, Dumka. The appellants claim their right on land on the basis of J.B Parcha 28 and denies the exchange of the land and further contention of the appellants is that there was no law of exchange prior to S.P.T Act, 1949 and in Regulation-III of 1872 and further the exchange was not acted upon. The contention of the appellant is not maintainable in law. That the Section-18(e) of Settlement Regulation No.III of 1872 has provided provision of occupancy right over land exchanged for land. The J.B Plot No.690/576 measuring area of 1.12 Decimals has been recorded in New Khata of the appellants and this fact is suppressed by the appellants. The appellant's ancestor had filed earlier Crl. Misc. Case No.45 of 1950 against ancestor of respondents in the court of Sub-divisional Magistrate u/s-144 Cr.Pc. over the same land in question and the learned S.D.M has held exchange valid and made the rule absolute against appellant 1st party vide order dated 13.03.1950. The Settlement Officer, Santal Pargana, Dumka has properly evaluated the fact and has passed a proper legal order and which is in consonance with fact and law. In the light of the above submissions and arguments prayed to dismiss the appeal.

Heard counsel of both the parties and perused entire documents on record. I observed that the Settlement Officer, Santal Pargana, Dumka in his Objection Case No.669 of 2021 order dated 01.09.2023 has properly decided the matter in the dimension of fact and law. The order has been properly passed. I find the appeal as filed is devoid of merit and therefore no interference is required.

Hence, this appeal is dismissed.

Dictated and Corrected by me


31/7/25
Commissioner
Santhal Pargana Division,
Dumka


31/7/25
Commissioner
Santhal Pargana Division,
Dumka