

आदेश का
क्रम संख्या और
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की
गई कारवाई के
बारे में टिप्पणी,
तारीख के
साथ।

13/01/2022

**IN THE COURT OF THE COMMISSIONER,
SOUTH CHHOTANAGPUR DIVISION RANCHI**

Survey Appeal 88/2008

Manga Munda & 57 others

Vrs.

Munna Seth and Krishna Seth

Instant Survey Appeal was filed by the petitioners against the order of Settlement Officer in appeal no. 62/98. The lower court has passed the order on 03/12/2007 whereas this petition was filed on 26/06/2008. The matter could be admitted only on 27/05/2013. After admission of the case the petitioner remained absent from the court continuously whereas opposite parties always filed their attendance. One last chance was given to the petitioners to argue the case on 23/11/2021; however petitioner again remained absent. Finally OP was heard and petitioners were directed to file the written arguments if any. However only the opposite parties filed the written arguments. Hence it was decided to dispose the matter on the basis of available records.

On perusal of the lower court's order and records it is clear that both the parties are claiming their respective right, title and possession on the basis of sada hukumnama. The lower court got the matter inquired and it was found that both the parties are occupying the lands in the disputed plots. During the local inspection both the parties were also present. No party has full possession over the said lands. There were disputes between the parties and proceedings u/s 145 in the

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	<p>court of Executive Magistrates. After being convinced with the inspection report; the Settlement Officer cancelled the order passed by the ASO and kept entries made during the khana puri intact. As both the parties are claiming the land on the basis of unregistered plain paper hukumnamas no party can be given precedence on these lands. A proceeding u/s 145 between the parties was also there but the final judgement passed in the same is not available in the record. The lower court has passed the order on the basis of local inspection and possession. The survey entries are made on the factum of possession. Hence there is no reason to interfere in the orders passed by the lower court and accordingly this appeal petition is rejected.</p> <p>It is evident from the records that the land in dispute was with Manko Rakho Hari Singh Munda who has issued so called settlements to the parties. Question of Manki settling the lands with various parties needs to be examined in details according to the provisions of CNT Act. Hence SDM, Bundu is directed to examine the issue of settlement of khut-katti lands with the tribal and non tribal parties according to the provisions of CNT Acts. He is also directed to inquire about khata no. 280, plot no. 227, area 6.32 acre after giving notices to the stake holders and pass appropriate orders on the same. A copy of this order may be sent to SDM, Bundu for necessary action.</p> <p>Dictated & Corrected</p> <p><i>W. K. M. M. I.</i> Commissioner</p> <p><i>W. K. M. M. I.</i> Commissioner</p>	