

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	<p style="text-align: center;"><b>IN THE COURT OF THE COMMISSIONER, SOUTH CHHOTANAGPUR DIVISION RANCHI</b></p> <p style="text-align: center;"><b>Settlement Appeal No. 27/2015</b></p> <p style="text-align: center;"><b>Shankar Singh Munda &amp; others</b></p> <p style="text-align: center;"><b>Vrs.</b></p> <p style="text-align: center;"><b>Bhadar Munda &amp; others</b></p> <p>This appeal has been preferred against the order dated 16/06/2015 passed in appeal no. 03/2011 by SO, Ranchi wherein on the basis of appeal filed by the OPs and ex-party order was passed in favour of the OPs.</p> <p>From perusal of the case records it is found that the petitioners have never remained present to argue his matter in this case and hence the matter could not be admitted for final hearing. As the petitioner remained absent it was decided to dispose the matter on the basis of available records considering the facts that a writ petition for the same is also pending in Hon'ble High Court.</p> <p>From the perusal of orders of lower court it is clear that an appeal petition was filed by Bhadar Munda and others and notice was issued to the petitioners. However the petitioners did not appear in the court and hence the lower court came to the conclusion that ASO court had not interpreted the surveyor report properly and passed the orders. It ordered for correction of survey records in the name of opposite</p>	

*[Handwritten Signature]*

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	<p>parties. Surprisingly the lower court's order does not mention about the details of the land for which this order has been passed. It is also evident that the petitioners had already preferred writ petition 782/2013 in Hon'ble High Court, challenging one interim order passed by the Settlement Officer. This W.P was heard on 01/03/2013 and Hon'ble High Court ordered to stay further proceedings with regards to appeal no. 03/2011 in the court of SO. However the SO continued the proceeding and passed impugned order in 16/06/2015. Surprisingly the SO being party in the said writ petition filed a counter affidavit in the Hon'ble High Court on 17/06/2015, wherein the contentions of the petitioner in the writ was challenged but the matter concerning disposal of the case on 16/06/2015, was not mentioned. Clearly an order was passed in this case inspite of stay of proceedings by the High Court. From the records it is also clear that one title suit 459/2014 is also pending in the Civil Court between the parties. Thus prima-facie the final order passed by the lower court in the favour of opposite parties inspite of stay of proceedings by the High Court is not proper and is accordingly set aside. The survey entries shall remain as decided earlier by the ASO. As the petitioner is continuously absent a copy of order should be sent to Settlement Officer Ranchi for further follow up action.</p> <p>Dictated &amp; Corrected</p> <p style="text-align: right;"><i>W. K. Kumari</i> Commissioner</p> <p style="text-align: left;"><i>W. K. Kumari</i> Commissioner</p>	