

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

सं०
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

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

Heard the learned counsel of the appellant at length. The learned counsel of the respondent is not present or call, put up for final hearing on 25/9/22. Notice to be issued to the respondent to be present on 26/9/22.

As per the learned C.P. the definition of legal heirs as being claimed by the petitioner is wrong and it should be rejected as both 'Cognates' and 'agnates' are included in legal heirs. The learned counsel of the appellant shall present further arguments regarding the abovementioned claim of the learned C.P. with necessary documents. Put up on 25/9/22

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25/9/22

अपीलकर्ता की उपस्थिति है।
उत्तरकारी की उपस्थिति है।

02.09.2022


Heard the learned advocate of the appellant. The respondent is not represented, on perusal of the records and the documents presented, the court agrees with the opinion of the learned C.P.

The claim of the petitioner are mainly two fold:-

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9 18.	<p>① Since the last Pradhan died in the village has become Khan and appointment should be under Section-5</p> <p>② That the genealogy submitted by the respondent is false.</p> <p>Have reviewed the detailed claims and submissions of the appellants as well as the order of the learned S.D.M. Section 6 of the S.P.T. Act, 1953 provides that when the village headman of a village which is nagar, dies, the landlord of the village shall report the fact - - - to the deputy commissioner in the prescribed manner.</p> <p>The manner for appointment is defined in schedule - V, rule-3 of law states that "The office of headman being hereditary, the next heir, who is fitted, should be headman."</p> <p>The definition of heir will include both cognates as well as agnates whether the respondent is an heir or not</p>	

आदेश पर
वारे में टिप्पणी

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1	2	3
	<p>has to be ascertained factually and it has been established by the report of the concerned Circle officer and admitted by the SDM as well, hence this court is not inclined to adjudge a matter of fact, which has already been decided and hence it is not necessary to delve into the same at this stage as an appellate/jurisdiction authority.</p> <p>The court has noticed one major flaw in the observation of both the Circle officer as well as the SDM wherein they erroneously pointed out that the 'village' has become 'Khan'. Since the issue of the 'deceased' problem have been identified already, it was not just to delve into village as a 'Khan' village, in the case of which appointment matters have been done under section 8.</p> <p>Accordingly the appeal is dismissed. An</p>	

आदेश की कम सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित
1	2	3
	<p>appellant is at liberty to contest the eligibility of the respondent or or heir at an appropriate & competent forum or stage & within complain before the concerned C.O. or S.D.M</p> <p style="text-align: right;">  JSR </p>	<p style="text-align: right;">15/11/22-16/11/22</p>