

(1)

IN THE COURT OF COMMISSIONER SANTHAL PARGANA
DIVISION. DUMKA

Rev. Misc. Revision No. - 151/1986-87

Anant Lal Roy & Others ----- Petitioners

-: Versus :-

Jiwan Marandi & Others ----- Opposite Parties

ORDER

1.12.2021

This revision has been preferred against the order dated - 18.05.1985 passed by Sri A. Amanullah, Settlement Officer, Dumka approving the recommendation order dated - 27.04.1985 of Assistant Settlement Officer, Attestation Camp, Chorkatta, in Fouti Case No. - 59 of 1985.

During pendency of the revision petitioner no. - 1 Anant Lal Roy, petitioner no. - 2 Bishnu Ray, petitioner no. - 5 Paltou Ray, petitioner no. - 7 Raghunath Rai and petitioner no. - 8 Baijnath Ray died, hence their legal representatives have been substituted in their place. Opposite party no. - 1 Jiwan Marandi,

opposite party no. – 2 Shibu Marandi, Opposite party no. – 3 Mahadeo Marandi, opposite party no. – 7 Pradhan Tudu, opposite party no. – 18 Barka Tudu, opposite party no. – 19 Singray Tudu died and their legal representatives have been substituted, whereas opposite party no. – 4, 5, 6, 9, 11, 13, 14, 15 and 16 died issueless.

Learned counsel for the petitioners submitted that Last Settlement Jamabandi No. – 10 of Mouza – Bhorabad, Sardari Circle – Sugnibad, Anchal – Jama stand recorded in the names of Manbharan Rai, Pradhan Rai, S/o Budhan Rai and Kinu Rai, S/o Madho Rai with separate dakhil in the remark column of Purcha, whereas Jamabandi No. – 5 of the said Mouza was recorded exclusively in the name of Kinu Rai, S/o Madho Rai, nephew of Manbharan Rai.

Learned counsel submitted that petitioners are that just after last Settlement Kinu Rai, the recorded tenant, the nephew of Manbharan Rai died issueless and accordingly the entire lands of Last Settlement Jamabandi No. – 5 and 10 came in peaceful possession over the same as per survivorship the appellants are paying the rent regularly. During the Present

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Settlement at the stage of Khanapuri and attestation the lands in question found the possession of the petitioners, but Assistant Settlement Officer wrongly and illegally recommended as declare Fouti to Settlement Officer, and Settlement Officer, without noticed to these petitioners declared the land as Fouti and direct to settled the same to the opposite parties, which is wrong, illegal as there are legal heir (Agnate) of the recorded tenant and as such the impugned order is fit to be dismissed.

Learned counsel for the opposite parties submitted that Last Settlement Khata No. - 5 of Mr. Gantzer's Settlement is recorded in the name of Kinu Rai, who died issueless and Learned Assistant Settlement Officer after due enquiry rightly has recommended for declare the land as Fouti and Learned Settlement Officer rightly approved the same and as such this petition is fit to be dismissed.

Heard learned lawyers of both the parties and perusal of documents available on record, I find Last Settlement Khata No. - 5 of Mouza - Bhorabad within Anchal - Jama has been recorded in the name of Kinu Rai, whereas the Last Settlement

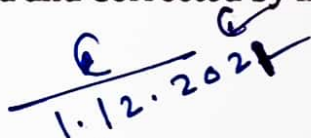
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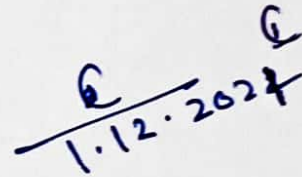
Khata No. – 10 of the same Mouza has been recorded in the names of Manbharan Rai, S/o Budhan Rai and Kinu Rai, S/o Madho Rai.

It is obvious that Khata No. – 10 which has been recorded in the names of Manbharan Rai S/o Budhan Rai and Kinu Rai S/o Madho Rai shows that said Manbharan Rai and Kinu Rai has close relation, it mandate that if there is agnate or cognate, no Fouti be declared. Petitioners claim over J.B. No. – 5 and 10 of Mouza – Bhorabad are genuine and legal.

Dictated and Corrected by me.


1.12.2024

Commissioner
S.P. Division, Dumka.


1.12.2024

Commissioner
S.P. Division, Dumka.