

3  
श पर की गई कारवा  
के बारे में दिपणी  
तारीख सहित

**IN THE COURT OF DIVISIONAL COMMISSIONER,  
S. P. DIVISION AT - DUMKA.**

**Rev. Misc. Revision No. 180/90-91**

**Jagernath Sah..... Petitioner**

**- Versus. -**

**Most. Rengia Keotine..... Opposite Party**

**ORDER**

13/6/2022

Present revision has been filed by the petitioner against the Order dated- 13.12.1990 passed by Charge Officer- I, Santhal Parganas at Dumka passed in R.E. Appeal No. 171/1987, during pendency of the revision Jagernath Sah died and in his place Chandan Sah, Ranjit Sah S/o Late Baban Sah, Raj Kishore Sah and Santosh Kumar Sah both S/o Jagernath Sah as legal representatives have been substituted.

Brief facts of the case of the Petitioner is that the Petitioner and his ancestors were resident Jamabandi raiyats of Village – Kolhariya within Jama Police Station, where besides agricultural land they were possessed of residential house, and the ever came at Dumka for their own work, and there was friendship relation croptup with the ancestor of the Opposite Parties there was no house of the Petitioner's ancestor at Dumka, and for residential house the ancestor of Petitioners requested to the ancestor of the Opposite Party some land for construction of house, and on the request of the ancestor of the petitioner, The ancestor of the Opposite Party transferred 4 Katha 10 Dhur of Land in Plot No. 1117

appertaining to Jamabandi No. 24 of Mouza- Purana Dumka and executed Kurfa dt. 12 Baisakh 1342 B.S. corresponding to 1935.

The further case of the Petitioner is that after such Kurfa Settlement, the ancestor of the Petitioner constructed Khaprapose house and residing thereof with entire family in the house since then.

In present settlement said Plot No. 1117 renumbered as New Plot No. 1799 in current survey, The Assistant Settlement Officer, Tasdik Camp, Dumka (South) initiated proceeding U/s 20 (5) of the S.P.T Act 1949 in R. E. Case No. 185/1997 and without applying his judicious mind mechanically evicted the Petitioner from his substantial house vide Order dt. 28.04.1987. Thereafter the Petitioner preferred R. E. Appeal No. 171/1987 before Settlement Officer, who after admission transferred to the Court of Charge Officer - I, Dumka Learned Charge Officer -I, Dumka by an Order dt. 13.12.1990 erroneously dismissed the appeal and as such this revision is fit to be allowed for ends of Justice.


The Opposite Party has not appeared before this Court in spite of several notice, she was not appeared in Lower Court too, which shows that she has nothing to say against this Petitioner.

Heard the Learned Lawyers of the parties, and after perusal of the documents available on the record. It is transpired that the Petitioners ancestors has got the land by Kurfa Settlement prior to 1949, and has perfected occupancy right over the house in question. In my


opinion Section 20 (5) and 42 of S.P.T Act 1949 are not applicable in this case and the Court below has not considered this vital point and passed the impugned orders; Therefore, the Order passed by Assistant Settlement Officer, Tasdik Camp, (South) Dumka passed in R. E. Case No. 185/07 dt. 28.04.1987 and the Order passed in R. E. Appeal No.171/87 dt 13.12.1990 are not accordance with law and hereby set aside and this revision is accordingly allowed. It is directed to the Settlement authority to record the names of the substituted Petitioners in respect of the land bearing New Plot No. 1799 and prepared New Khata in favour of them.

**Revision Allowed.**

Dictated and corrected by me.

  
13/6/2022

**Commissioner  
S.P. Division, Dumka.**

  
13/6/2022  
**Commissioner  
S.P. Division, Dumka.**