

In

The Court of Commissioner Santhal Pargana Division

Dumka

R.E.A Case No. 1/1993 -94

Ranjit Manjhi & others _____ Petitioners

Versus

Satish @ Chatis Choudhary _____ O.P.

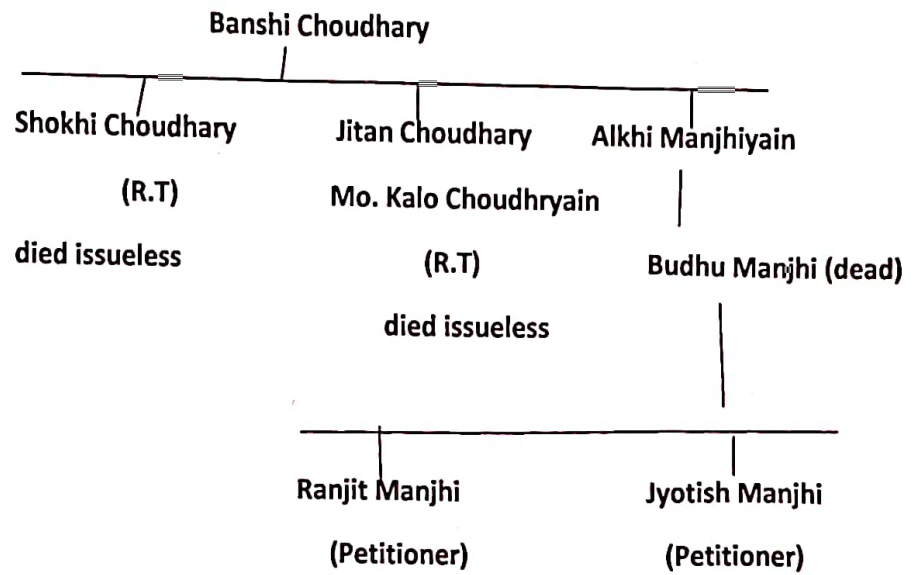
2/3/2022

This instant rent eviction appeal is preferred against the order dated 14/3/90 passed by A.S.O Camp court Saraiyahat went in Rent eviction case no. 164/90 of mouza Pandey Keshav no. 38 S.C Kakni P.S. & Anchal Saraiyahat Dist. Dumka

Learned counsel for the petitioner submits that J.B. No. 54 of mouza Pandey Keshav is of plot no. 926, 930, 936 Rakba 6 decimal 31 decimal and 8 decimal Total 45 decimal is recorded in Gantzer parcha in the name of Sokhi Choudhary son of Banshi Choudhary and Most. Kalo Choudharyin wife of Jitan Choudhary and his genealogical able is as under:-

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Contd.



and after the death of Shokhi Choudhary (R.T) and Most. Kalo Choudhryain (R.T.) who died issueless petitioners are in peaceful possession of their shares.

And in Title suit 9/1945 decree was passed in favour of Alki Manjhiyain.

But Gram pradhan declared the J.B. No. 54 Fauti and issued Bandobasti Patta which was confirmed by S.D.O Dumka which is wrong and against law.

Learned counsel of O.P. submits that petitioners have no locus standi in the matter and their claim of title to the land in question is false and has not been evicted of the O.P's as pradhan exceeding his power u/s 12 of the record of rights treated the land as Fauti and settled the same with the O.P's under patta dated 20/10/67 which

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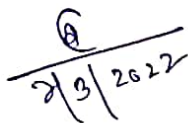
was confirmed by S.D.O Dumka on 12/12/70 in Rev. Misc. Case No. 422/69-70 and ever since are coming in peaceful possession of said land in question.

On perusal of the record I find that in Title suit 9/1945 Alkhi Manjhiyain Versus Indra Choudhary and others decree was found in favour of Alki Manjhiyain daughter of Banshi Choudhary, declaring has to be the legal heir and title holder thereafter Indra Choudhary preferred title appeal no. 25 of 1945 which has been dismissed on 11/2/1946. And the patta issued by pradhan is illegal and thereupon confirmation by S.D.O Dumka against the principal of natural justice.

The order 14/3/90 passed by A.S.O Camp Saraiyahat went along with Bandobasti confirmation order dated 12/12/70 passed by S.D.O Dumka in Rev. Misc. Case 422/69-70 is set aside.

Hence Appeal is allowed.

Dictated and corrected by me



Commissioner

S.P. Division Dumka



Commissioner

S.P. Division Dumka