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**IN THE COURT OF HON'BLE COMMISSIONER,
S.P. DIVISION, AT -DUMKA.**

Rev. Misc. Revision No. 43 of 1993-94.

Dhaniram Murmu **Petitioner.**

Vrs.

Sushila Devi and other **Opposite Parties.**

Aforesaid revision is directed against order dated 28.08.1992 passed by the Charge Officer No.I at Dumka in Rev. Misc. Revision No.- 148 of 1989 setting aside the order dated 10.08.1989 passed by the Assistant Settlement Officer of Tasdik Camp, Dumka south in R.E. Case No.- 6/1212 of 1988.

26/4/2022

ORDER

Admitted fact of this case in short are that the land in question measuring 04 (four) Kathas in old Plot No.- 225(Hal Khesra No.- 251) is part of G.J.B. No.- 20 of Mouza- Phasiadangal No.-24, S.C.- Dhoria, P.S.- Dumka(M) Sub-division and District- Dumka.

The holding in question Gantzer's Jamabandi No.- 20 is recorded in the names of Ram Murmu and Lodga Murmu jointly, amongst them G.R.T. Lodga Murmu died issueless, his interest had developed upon surviving

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आदेश और पदाधिकारी का हस्ताक्षर

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

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G.R.T. Ram Murmu and during the pendency of this revision the aforesaid petitioner was died and his legal heirs and successors are substituted and the substituted petitioners are present legal heirs and successors of the holding. Further admitted fact is that the petitioners are a Santhal (S.T.) and the holding in question belonged to Tribal and according to local Tenancy Act the land in question is Non Transferable and transfer if any of such land of Tribal to Non-Tribal is strictly prohibited. Learned counsel of the petitioners has strongly disputed propriety of the impugned order and submitted that all the courts below have committed wrong for not passing serious consideration examination on the factom of possession and validity of Kurfa Document. Learned counsel submitted that the claim of respondent, their documents (alleged Kurfa of 1934) all are false and forged and none of the courts below in their orders, reason assigned there to has/have stated that they have seen or examined the Kurfa Document and from the record it is found that the document was not produces before any court below by the opposite parties.

Learned counsel of the petitioners further submitted that in the year 1934 had alleged document if executed in that case transferee (Kurfadar) could get his name recorded in the last Gantzer's Khatiyān (Parcha).

He (Kurfadar) could get mutated his name in the

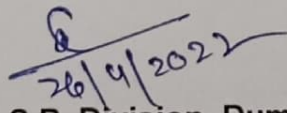


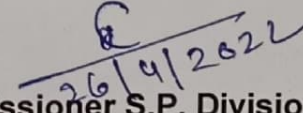
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	<p style="text-align: center;">आदेश और पदाधिकारी का हस्ताक्षर</p> <p>Zamindari Sarista in respect of land in question and Zamindar Could had submitted return to the Bihar Government at the time of vesting of Zamindari under Bihar Land Reforms Act 1950 and most surprising fact is that opposite parties got not a single chit of rent receipt granted by Zamindar or Pradhan or State of Bihar and Jharkhand, these Negative evidence against the opposite parties suggest positively that the transaction of alleged Kurfa Settlement of the Opposite Parties is absolutely false, forged and fabricated. The ancestor of the petitioners had not intered in to any compromise in any of the court below as alleged by opposite parties and even the assertion of said compromise interse parties is accepted for the sake of argument it is in admissible because local Tenancy Act Section 20 (1) and (3) of the S.P.T Act totally prohibit it strictly. Learned counsel concluded his argument submitting that impugned order is absolutely violate local Tenancy Act and encourages grab J.B. Lands of poor Adivasi (Schedule Tribe) by Non-Adivasi (Non-Tribal) as such said impugned order can not sustained.</p> <p>Learned counsel of the opposite parties on the other hand has opposed contention of the petitioners and supports impugned orders and sought dismissal of the aforesaid revision.</p> <p>I examined sincerely the argument, impugned</p>	<p>आदेश पर की गई कार्यवाही के बारे में टिप्पणी तारीख के साथ</p>

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	<p style="text-align: center;">आदेश और पदाधिकारी का हस्ताक्षर</p> <p>order, L.C.R. and found that the petitioners is a Tribal (S.T.) and according to local Tenancy Act/S.P.T. Act transfer of the land in question of the petitioners to opposite parties (who are admittedly Non-Tribal) is strictly prohibited.</p> <p>I further found the opposite parties has not submitted valid documents and learned court below has not examined the length of possession nor any documents thereto and as such impugned order dated 28.08.1992 passed by the learned Charge Officer No.- I, Dumka and all the orders passed by all the others courts below are here by set-aside.</p> <p>Hence, aforesaid revision is allowed and land in question directed to be restored to the petitioners and further directed to the Settlement Officer, Dumka record the same in the names of substituted Petitioners according.</p>	<p>आदेश पर की गई कार्यवाही के बारे में टिप्पणी तारीख के साथ</p>

Dictated and Corrected by me.


26/4/2022
Commissioner, S.P. Division, Dumka


26/4/2022
Commissioner S.P. Division
Dumka