

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

R.M.A. No. 36/93-94

Maksud Mian & Others Appellants

- Versus. -

Ghanshyam Mandal & Others..... Respondents.

18/4/2022

ORDER

Present appeal has been filed by the appellants against the order dated 10.03.1993 past by charge officer Dumka in R. E. Revision No. 201/91 during pendency of appeal Appellant No. 1 Idrish Mian and appellant No. 2 Mariyam Bibi died and their legal representative have been substituted.

The brief facts of the case of appellants are that Last Settlement plot No. -1080, 1079, 1073 , 1074 and 1854 / 1074 appertaining to Mr. Gantzer's Jamabandi No. 65 of Mouza – Mathakesho No. 29 , Sardari circle kakani is recorded in the names of Phekun Bibi and suga Bibi in Mr. Gantzer's settlement the members of the Respondents are rank outsider and not anyway related to the family of the appellant, and fraudulently and in collusion with the settlement Authority got recorded as illegal occupier in respect of the land in question, subsequently during attestation, R.E. Case No.217/90 of the court of Assistant settlement officer, saraiyahat (West) was started, on hearing said illegal occupier was evicted vide order dated 26.07.1990 against that

6

Eviction order present Respondents filed revision as R.E. Revision No. 201/91 before settlement officer, Dumka who after admission transferred to the court of charge Officer , Dumka who illegally allowed the revision, setting aside Eviction Order and as such this appeal maybe allowed.

The brief facts of the case of the Respondents are that the land 1080 ,1079 ,1073 and 1074 appertaining to khata No. 65 of Mouza – Mathakesho are recorded in the names of most Phelkan Bibi and suga Bibi , The ancestor of these Respondents got Kurfa settlement from the Gantzer's Raiyats on 1343 B.S and after such kurfa settlement the ancestor of these Respondents came in peaceful possession over the land in question and accordingly in present settlement. Awaidh Dakhal has been recorded and R.E. Case No. 217/90 started, Assistant Settlement Officer camp court ,wrongly and illegally evicted these Respondents and Learned charge Officer in R.E. Revision No. 201/91 has rightly setting aside the Eviction Order as the lands in question has been transferred prior to twelve year from 1949 and has acquired permanent Occupancy right, and as such this appeal may be dismiss.


Heard learned Lawyers of both the parties , after carefully perusal of the documents available on the record it is transpired that the land in question has already been transferred in the year 1936 which is prior to twelve year from application of S.P.T Act 1949 and as such

6

Section 42 and 20 are not applicable in this case. Therefore, the orders passed by the charge officer is confirmed ,accordingly this appeal is here by dismissed.

Appeal dismiss.

Dictated and corrected by me.


18/4/2022
Commissioner
S.P Division Dumka.


18/4/2022
Commissioner
S.P Division Dumka.