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IN THE COURT OF COMMISSIONER SANTHAL PARGANA
DIVISION, DUMKA

R.M.R. No. - 39/2004-05

Parsuram Yadav ----- Petitioner

-: Versus :-

Baijanti Devi & Others ----- Opposite Parties

3/2/2022

ORDER

This instant revision is preferred against the order dated 28.08.2004 passed by the Deputy Commissioner Dumka in R.M.R. No. - 29/2003-04 and R.M.R. No. - 30/03-04. (Amalgamated)

Learned counsel for the petitioner submitted that petitioner being landless person filed S.R. Case No. - 69/2001-02 before the Subdivisional Officer Dumka for settlement of land in plot no. - 15, 22 and 23 of Mouza - Kurwa on the ground of reclamation. The Circle Officer Jarmundi submitted



report stating there in that petitioner reclaimed the land plot no. - 15, area - 89 Decimal, plot no. - 22, area - 60 Decimal and plot no. - 23 area - 65 Decimal and possessing peacefully. Petitioner planted several trees over the reclaimed plots and also dug an irrigation well under "Jal Hai Jan Hai" scheme. Opposite party also claimed over the plot no. - 23, area - 87 Decimal of land vide S.R. Case No. - 69/2001-02. But the Subdivisional Officer Dumka after hearing both the cases by his order dated 15.09.2002 disallowed both the S.R. Case No. - 245/93-94 and S.R. Case No. - 69/01-02.

Learned counsel submitted that petitioner preferred R.M.R. No. - 29/02-03 and O.Ps. preferred R.M.R. No. - 30/02-03 in the court of Deputy Commissioner, Dumka against the order of S.D.O. passed in S.R. Case No. - 245/93-94 and S.R. Case No. - 69/01-02. During pendency of revision petitioner and O.P. No. - 1 settled up their dispute and differences and comprised the case and filed a Compromise Petition before the court below, but the Deputy Commissioner without consider the Compromise Petition dismissed both the revision.

Learned counsel submitted that the court below failed to appreciate that plot no. - 15, 22, 23 of Mouza - Kurwa,

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Anchal - Jarmundi are recorded as Parti Kadim land and the raiyats have got their right to reclaim and to get settlement as per Section 27 and 28 of the S.P.T. Act and clause 16 of record of rights of S.P. Manual. The order of court below is bad in law and against the natural justice. Hence pray for set aside the order of court below and allowed the revision.

Learned counsel for the opposite party submitted that plot no. - 23 appertaining area - 4.99 Acre of Mouza - Kurwa is recorded as Parti Kadim land. The sole O.P. No. - 1 Baldeo Mahto had reclaimed one Acre of land in plot no. - 23, thereafter filed S.R. Case No. - 245/93-94 for settlement before the S.D.O. Dumka but the learned S.D.O. rejected the claim of the opposite party. O.P. No. - 1 filed appeal before Deputy Commissioner Dumka vide R.M.A. No. - 30/02-03 who disallow the appeal. Opposite party pray before the court to allow the revision and directed to be given the S.D.O. to settle the plot no. - 23, area - one Acre of land with this opposite party.

Heard the learned lawyers of both parties and perusal of documents available on record I find Sabik plot no. - 23, 15, 22 of Mouza - Kurwa, Anchal - Jarmundi, Dist. - Dumka stands



recorded as Parti Kadim (waste land) land available for settlement of deserving raiyats of that Mouza.

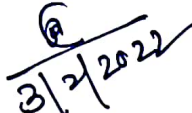
I find petitioner filed S.R. Case No. – 69/01-02 before the Court of Subdivisional Officer, Dumka for settlement of plot no. – 15, 22 and 23 of Anabad Khata No. – 3 of Mouza – Kurwa with him. From the perusal of report of Circle Officer Jarmundi letter no. – 827/R dt. – 22.12.2001, I find petitioner being landless raiyats of Mouza – Kurwa reclaimed the plot no. – 15 over area – 89 Decimal in plot no. – 22, area – 60 Decimal, in plot no. – 23, area – 65 Decimal of land and has been continuing his possession, but the court below failed to appreciate that all the plots are recorded as Parti Kadim land and raiyats have got their right to reclaim and to get settlement as per Section 27 and 28 of the Santhal Pargana Tenancy Act 1949 and also Clause 16 of Record of Right. The court below ignore the report submitted by Circle Officer, Jarmundi for settlement of land in favour of this petitioner, which is against the natural justice and also settled provision of law. Hence the order dated 28.08.2004 passed by the Deputy Commissioner Dumka in R.M.R. No. – 29/2003-04 is hereby set aside. it is hereby ordered to Subdivisional Officer, Dumka to

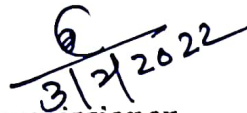


settle the Sabik Anabad plot no. - 15, area - 89 Decimal, plot no. - 22, area - 60 Decimal and plot no. - 23, area - 65 Decimal of land of Mouza - Kurwa under Anchal - Jarmundi, Dist. - Dumka with this petitioner, as per Provision laid down under Section 27 and 28 of S.P.T. Act 1949.

Hence Revision is Allowed.

Dictated and Corrected by me.


3/7/2022
Commissioner
S.P. Division, Dumka.


3/7/2022
Commissioner
S.P. Division, Dumka