

In

The Court of Commissioner Santhal Pargana Division

Dumka

R.M.A No. 41/07-08

Ramu Poddar & others _____ Petitioners/Appellants

Versus

Naresh Chandra Poddar & others _____ O.P/Defendants.

ORDER

15/6/2022

The instant appeal is preferred against order dated 17/5/2005 passed by Charge Officer Dumka in settlement correction case no. 338/1998 of mouza Saraiya P.S. Saraiyahat Subdivision and Dist. Dumka

Learned counsel for the appellant submits that lands of mouza Saraiya Thana No. 4 J.B. No. 46 is recorded jointly in the name of Tetar Poddar, Ganpat Poddar and Bhagirath Poddar, further state that in the present settlement J.B No. 136 prepared from Gantzer Survey Settlement no. 45 recorded in the name of Muso @ Masudan Poddar father of Fudki Devi while present survey settlement J.B. No. 137 prepared for Gantzer survey settlement no. 46 and recorded in

the name of Masudan Poddar, Most. Devli, Purni Devi, Nunia Devi, Ramu Poddar, Laxman Poddar, Vishnu Poddar, Arjun Poddar, Kisun Poddar and Kulesh Poddar and respondent 1st party citing his relationship with respondent no. 2, Appellants and Proforma Respondent 3rd party are the descendants of Moti Poddar and Lakhi Poddar son of Choti Ram Poddar while respondent no. 1 claims to be the Nati of Tetru Poddar son of Bari Ram Poddar.

Appellant and Respondent 2nd party are in possession of the lands on payment of rent having residential houses in J.B. No. 46 while respondent 1st party is neither in possession nor the heir of recorded tenant Tetru Poddar leaving his sons Muso@ Masudan and Prabhu. Hence respondent 1st party not entitled to be included in current survey.

Learned counsel for O.P. submits that appellants are rank outsiders and have no connection with present settlement J.B. No. 137 arising out of Gantzer J.B. No. 46 but their names has been wrongly entered. Tetru Poddar died leaving behind his daughter Rukmani Devi mother of O.P.



After the death of first wife Tetru Poddar married Devli Devi for which Prabhu Poddar, Masudan Poddar and Moradi Devi were begotten.

After the death of Tetru Poddar Rukmani Devi, Prabhu Poddar, Masudan Poddar and Moradi Devi jointly inherited J.B. No. 45 and 46 of mouza Saraiya as per Hindu Succession Act.

Prabhu Poddar died issueless. Hence O.Ps are rightful owner of above said land.

On perusal of L.C.R and submission made by the counsels of both parties I find that Rukmani Devi is mother of Respondent 1st party, whose names along with Moradi Devi respondent 2nd party have been left out wrongly from J.B. No. 136 new & 137 new of new survey arising out of mouza Saraiya Thana no. 4 and wrongly entered the names of Ramu Poddar, Laxman Poddar, Vishnu Poddar, Arjun Poddar, Kisun Poddar, Kulesh Poddar which is being mistake and needs correction before final publication vide section 24 of Santhal Pargana Settlement Regulation III, 1872.

In the aforesaid circumstances I find that mouza Saraiya Thana No. 4 J.B. No. 45 recorded in the name of Tetru Poddar in Gantzer Survey.

Tetru Poddar had two wives illustrated below ↻

