

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

Settlement Objection Revision No. 245/2010-11.

Tulo Mahto and others ..... Petitioners.

-Versus-

Rameshwar Mahto and others ..... Opposite Party.

14/6/2022

O R D E R

Present Revision has been filed by the petitioners against the order dated 06.08.2010 passed by Charge Officer II, Dumka passed in Objection Case No. 43/2002 during pendency of the Revision Tulo Mahto died and his legal representatives have been substituted, similarly opposite parties No.- 1, 2, 3, 14, 23, and 32 died and their names have been substituted.

Brief facts of the case of the petitioners are that Last Settlement Khata No. 15 of Mouza - Khasia ; within Ramgarh P.S. of Dumka District is recorded in the names Deo Narayan Mahto , Satya Narayan Mahto S/O Ram Kishan Mahto, Kanchan Mahto S/O Nepal Mahto, Gopal Mahto, Bihari Mahto, Sobha Mahto S/O Om Mahto ; Girdhari Mahto, Ugan ; Chokku Mahto, Bhola Mahto, sons of Jeevan Mahto with separate possession recorded in Remark column of

the parcha.

The further case of the petitioners are that the petitioners and opposite party are descendants of one Jaipal @ Nepal Mahto, the ancestor of the Recorded Tenant had already partitioned their lands and accordingly Deonarayan Mahto, Satyanarayan Mahto and Kanchan Mahto were jointly recorded separately to the other R.Ts. with respect to their share, but during present settlement Final Parcha under New J.B. No. 23 over those lands recorded in separate possession of Deonarayan Mahto and others, which exclusively belongs to these petitioners, possession of the O.Ps. No. 1 to 27 or their predecessor, these petitioners filed a Objection Suit No. 431 of 2002 before Settlement Officer, S.P. Division, Dumka, who after admission , transfer to the Court of Learned Charge Officer - II, Dumka who without considering the case and documents dismissed the same vide order dated - 06/08/2010, and as such this Revision may be allowed.

The brief fact of the case of the opposite parties are that Last settlement J.B. No. 15 of Mouza - Khasiya recorded in the name of Deonarayan Mahto, Satyanarayan Mahto and Kanchan Mahto sons of Jaipal Mahto, Gopal Mahto, Bihari Mahto and Shobha Mahto , all sons of Prem Mahto,

Girdhari Mahto, Uma Mahto, Chhaku Mahto and Bhola Mahto sons of Jitan Mahto and Last settlement i.e. Mr. Gantzer's settlement. That the opposite parties are the descendant of Gantzer's R.T. Gopal Mahto, Bihari Mahto, Shobha Mahto and their possessing the land as per recorded separately in the name of their ancestor.

The further case of the opposite parties are that last settlement khata No. 15 of Mouza - Khasiya has been renumbered as New J.B. No. 23 in present new settlement in the names of Tulo Mahto, Hemia Devi, Kamali Devi, Dilo Mahto, Kartik Mahto, Sahdeo Mahto, Jaggu Mahto, Babulal Mahto, Kamli Devi and Janki Devi in separate possession in their names, which is as per Gantzer's parcha. as well as their possession found during present settlement and as such this Revision is not tenable.

Heard Learned lawyers of both parties after perusal of the documents available on the record it is admitted fact that the parties involved in this case are the legal heir and successor of Gantzer's raiyats recorded in Khata No. 15 of Mouza Khasiya, it is also admitted fact that the khata was recorded separately in Dakhal column of the parcha, after gone through the order passed by Charge

Charge Officer - II, Dumka, it is transpire that Charge Officer - II has passed the order after examined all the issues involved in this case. In my opinion the order passed by Charge Officer - II is just and proper , therefore this Revision petition has no merit accordingly dismissed.

Revision Dismissed.

Dictated and corrected by me.

C  
14/6/2022

Commissioner  
S.P. Division, Dumka.

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14/6/2022

Commissioner  
S.P. Division, Dumka.