

A/C

IN THE COURT OF COMMISSIONER
SANTHAL PARGANA DIVISION, DUMKA

Revenue Miscellaneous (objection) Appeal No. 357/13-14

Tetar Masat----- Appellant.

Versus

Nakul Masat and others----- Respondents.

ORDER

13/6/2022

The above appeal of the appellant has been filed against the order dated 26-08-2013 of Charge officer No. I, settlement court Dumka in objection case No. 18/2007 of mouza Titmo No. 37 Sardari Circle Kakni, Anchal Saraiyahat, Dist.-Dumka. By the said order the charge officer No. I has dismissed the said case of the appellant as it relates to title.

The facts of the case revolve within short campus. It is an admitted fact that plot No. 722 and 723 appertaining to J.B. No. 37 of mouza Titmo No. 37. which stood recorded in the name of Nanku Singh who had executed Kurfa settlement in favour of Mangu Masat in the year of 1935 and he came in physical occupation and possession of the same. It may be mentioned here that the said Mangu Masat died leaving behind him his two sons Raju Masat and Tetar Masat who came in joint possessions and occupation and later on, sometimes

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both have amicably partitioned the disputed land half and half as per their convenience.

It may be mentioned here that during the present survey operation the elder brother Raju Masat being Kartaa of his joint family was convetuous and in order to oust the appellant from the half share manoeuvred in his name behind back of the appellant. Further it may be mentioned here that copy of new khatiyani was taken by and returned with the elder brother Raju Masat so the appellant could not see and act upon earlier. It may be mentioned here that after final publication of parcha the elder brother Raju Masat died leaving behind his three sons by name Nakul Masat, Sahdeo Masat and Pramod Masat. It may be mentioned here that admittedly the appellant and respondent 1st Party are legal heirs and successors of said Mangu Masat (since deceased). The charge officer-1 in the impugned order held that the appellant claim comes under the purview of title matter. But the law is other wise. It clearly signifies legal heirs and successors. All the legal heirs and successors are entitled to inherit the landed property as per section-8 of the Hindu succession Act 1956.

The settlement authorities engaged in settlement works ought not to be involved un-necessarily in the controversial matter. They are only to record the names of the legal heirs and successors on the

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basis of said undisputed Kurfa, partitioned, transfer etc. if any.

In the instant case all the legal heirs as per provision of law are entitled to be recorded as such in the present settlement.

Therefore, the impugned order of the charge officer-1 was wrong and erroneous in coming to the conclusion that the matter relates to civil nature.

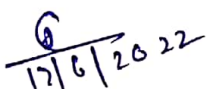
In my opinion the appellant and respondent 1st party are legally entitled to get share half and half in the present khatian.

I direct the settlement authority Dumka to record the name of the appellant with the respondent 1st party showing half and half share over final plot no. 926 and 927 total area 0-40 acre or final J.B. No. 98 of mouza Titmo No. 37 Sardari Circle Kakni, P.S. and Anchal-Saraiyahat, District- Dumka.

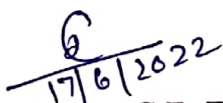
In the result this appeal is allowed and the order dated 26.08.2013 passed in objection case No. 18/07 by the charge officer-1, Dumka is hereby set aside.

Hence the appeal is allowed.

Dictated and corrected by me,


Commissioner, S.P. Division

Dumka


Commissioner, S.P. Division

Dumka