

IN THE COURT OF COMMISSIONER SANTHAL PARGANA
DIVISION, DUMKA

R.M.R. No. - 202/15-16

Gopal Mehra ----- Petitioner

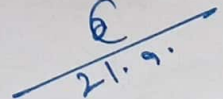
-: Versus :-

Mohini Devi ----- Opposite Party.

ORDER

This revision has been filed against the order dated 16.10.2015 passed by the Deputy Commissioner Dumka in his R.M.R. No. - 04/13-14.

Learned Counsel for the petitioner submitted that in Mouza - Charkapathar under P.S. - Saraiyahat, District - Dumka the Ex-landlord of Laxhmipur Estate had settled some land in Anabad Khata no. - 32, plot no. - 16 Area - 62 Dismal in the name of Bangali Mahra vide Amalnama Patta dated 14.04.46. After settlement Bengali Mahra reclaimed in to Bari land and paying rent to the landlord. After death of Bengali Mahra petitioner inherited the land being legal heir and successor possessing the land with payment of rent to the Concerned Authority. But the Circle Officer, Saraiyahat without notice to the 16/- Anna Raiyat settled the disputed plot no. 16, Area - 62 Dismal of land with the opposite party father Late Sambhu Mahra vide Settlement Case No. - 8/1970 and also demarcate the disputed plot no. 16 by the Sub-divisional Officer, Dumka.

A handwritten signature in blue ink, followed by a horizontal line and the date '21.9.' written below it.

Learned Counsel submitted that the Circle Officer as well as S.D.O. having no power to settle the land and order also confirmed by the Deputy Commissioner which is injustice in the eye of law. Hence pray for set aside the order of Court below.

Learned Counsel for the opposite party submitted that the then Circle Officer Saraiyahat settled plot no. 3, Area - 75 Dismal, plot no. - 16, Area - 22 Dismal plot no. - 141 Area - 20 Dismal of Parti Kadim land in respect of Anabad Khata No. - 32 of Mouza - Charkapathar in the name of Sambhu Mahra being a Harijan vide Settlement Case No. - 8/70-71 thereafter Sambhu Mirdha came in possession over the settled land and constructed residential house over plot no. 141 and plot no. 3 and 16 reclaimed and converted into Bari and possessing the same peacefully. The disputed plot no. - 16 and 141 demarcated from the court of S.D.O. Dumka vide R.M. Case No. - 191/01-02. Opposite party Mohini Devi being legal heir and successor of Late Sambhu Mahra inherited the same and possessing the land peacefully. Petitioner never possessed the land nor paid the rent. Petitioner claimed over the plots on the basis of forge and fabricated Zamindari Patta, it is mentioned in the report of Circle Officer. Hence the court below after perusal of documents rejected the claim of the petitioner. Hence revision having no merit and pray for dismissal.

Heard the learned lawyer of both parties and perusal of documents available on record I find plot no. - 16, Area - 22 Dismal of land in respect of Sabik Anabad J.B. No. - 32 of Mouza - Charkapathar, Anchal - Saraiyahat, Dist. - Dumka stands recorded as Parti Kadim land in Gantzer's Settlement Parcha. Petitioner claimed over the plot no. 16 on the basis of Zamindari Patta dated 14.04.1946 but the petitioner have not filed the copy of Zamindari return either court below or before this court. I find the Circle

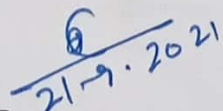
21.9.

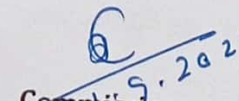
(3)

Officer, Saraiyahat during enquiry in R.M. Case No. - 191/01-02 found the Zamindari Patta suspected and found opposite party having residential house over plot no. 141 and in plot no. - 3, 16 reclaimed in to Bari and possessing the same peacefully. The court below also found the said Jamindari Ptta is suspected and declared physical peaceful possession of the opposite party over the disputed plots. I find no interference required in finding of fact recorded by court below. Revision having no merit, hence dismissed.

Hence Revision is Dismissed.

Dictated and Corrected by me.


21.9.2021
Commissioner
S.P. Division, Dumka.


21.9.2021
Commissioner
S.P. Division, Dumka