

क्र. और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित
१	२	३

**IN THE COURT OF COMMISSIONER SANTHAL  
PARGANA DIVISION, DUMKA**

**R.M.R No.- 22/2017-18**

**Shelendra Yadav -----Appellants**

**Versus.**

**Mahendra Yadav And Others -----Respondents.**

**ORDER.**

Aforesaid Revision has been filed against the order dated 16.01.2017 passed by the Learned Settlement Officer, Dumka in Objection Suit No. 3240/08, 02/08 of mouza Jokela-3 and order dated- 09.06.1988 Passed in Fouti Case No. 2/57/86 by Learned Charge Officer-1, Dumka Of Mouza-Kalthoria-2 P.S+Anchal- Saraiyahat, Subdivision + District-Dumka, Respectively By Rukmani Devi. And during pendency Of Revision she died leaving her only son Shelendra Yadav has been substituted in this case earlier by this court.

Heard. Examined documents and perused written arguments of both the parties.

The brief history of the case of the petitioner is that last settlement Jamabandi No.27 of Mouza Jokela No.3, and last Settlement J.B No.20 Of Mouza Kalthoria No.2 within Anchal- Saraiyahat, S.C. Saraiya, Subdivision+ District- Dumka recorded in the name of Hitlal Mahto and Gangajal Mahto@ Ganpat Mahto Son Of Bhim Mahto.

The further case is that said Gantzer's raiyat Hitlal Mahto died issueless in jointness with G.R.T Gangajal Mahto@ Ganpat Mahto, who died leaving behind his only daughter Rukmani Devi the petitioner aforesaid. It has been further submitted that after the death of G.R.T. Hitlal Mahto said Gangajal Mahto had inherited and held both the lands i.e J.B NO.20 of Mouza Kalthoria-2 and J.B. NO.27 of Mouza Jokela-3. And after the death of said Gangajal Mahto the petitioner being the sole legal hier and successor inherited and been in possession over the same alalong on payment of

3/11/2021

3/11/2021

3/11/2021

देश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश का क्रम सं० और तारीख
१	२	

rent.

It is further submitted by the petitioner that the opposite parties in order to grab the lands of this helpless lady by hook and crook succeed to declared J.B NO.20 of Mouza Kalhoria as Fouti and settled the same with opposite parties viz. new khata NO. 7/20, 9/20, 12/20 and 16/20.

The further case of the petitioner is that the opposite 1<sup>st</sup> Parties Mahendra Yadav and others had filled R.M.P. NO. 88/08-09 before this Hon'ble court against the order of the Charge officer-1 Dumka and this Hon'ble court was pleased to have set-a-side the order passed by Charge Officer-1 and permitted back the case for reconsideration on all others points. Thereafter Mahendra Yadav and Rajkumar Yadav the O.P.S. aforesaid filed objection suit NO.02 of 2008 before settlement Officer, Dumka for declaration Fouti the Khata No. 25/27 of Mouza- Jokela which is recorded in the name of this petitioner Rukmani Devi, daughter of Gangajal Mahto@Ganpat Mahto.

Learned settlement Officer on the basis of table made report submitted by A.S.O. was pleased to have deleted the Name of Rukmani Devi from present khata NO.25/27 of Mouza jokela-3 and directing to record the same with Mahendra Yadav and other however earlier order of Charge Officer passed in Fouti case NO. 2/57/86 aforesaid in respect of New J.B.- 7/20, 9/20, 12/20, 16/20] of Mouza Kalhoria- 2 was remained unchanged

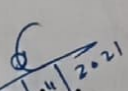
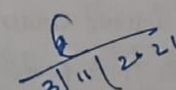
The opposite parties are rank out sider have no manner of right, title, interest and possession over the lands in question, where as the petitioner is the legal heir of said G.R.T. of both the Jamabandi. The petitioner has submitted the list of documents which is on record.

The case of the opposite parties is that the petitioner is rank out sider as both the G.R.T. i.e Hitlal mahto and Gangajal Mahto, died issueless. Their further case is that the order passed by the learned lower court is legal as the same has been passed on the basis of enquiry report submitted by A.S.O. Dumka and as such this revision is fit to be dismissed on other grounds as well. The O.P.S. has

6/11/21

संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित
१	२	३
	<p>filed list of documents which is on the record.</p> <p>After perusal of the documents filed by the parties, It is admitted facts that the lands i.e. last settlement Khata NO.20 of Mouza Kalhoria-2 and last settlement khata NO.27 of mouza Jokela NO.03 within Anchal Saraiayahat, are recorded in the name of Hitlal Mahto and Gangajal Mahto @ Ganpat Mahto in last survey and settlement commonly known as Mr. Gantzer's settlement. It is also admitted facts that Hitlal Mahto has died issueless where as Gangajal Mahto @ Ganpat Mahto died leaving behind his only daughter Rukmani Devi, which is evident from the documents viz. the family list submitted by Mukhiya Gram Panchayat Saljora Bandari, Aadhar card, Ration Card, Residential Certificate, Voter I.D, Voter List etc. it is also evident from the earlier Final Parcha of mouza Jokela-3 being J.B. No.25 which is renumbered from Gantzer's J.B No.27 recorded in the name of Rukmani Devi D/O) Gangajal Mahto after enquiry in present settlement proceeding , the lower court has ignored these evidence and without considering the case with Judicious mind, and has passed the impugned order. The Learned Lower Court has also ignored the observation given by this court earlier in R.M.P. NO. 88/08-09.</p> <p>The court below has failed to consider that in earlier case present khata No. 07/20 of mouza Kalhoria-2 has been recorded in the name of Rukmani Devi D/O Gangajal Mahto and the O.Ps. Jhaksu Mahto and others also has mentioned Rukmani devi D/O Gangajal Mahto.</p> <p>Rukamni Devi (Petitioner) is recorded in present khata No.7 of mouza Kalhoria-2 along with Jhaksu Mahto and others on the basis of succession and possession. In the case neither Gantzer's khata 20 of mouza Kalhoria and Jokela No.3 present khata 25 can not be declared Fouti according to law U.S.4 (XX)of the S.P.T. act.</p> <p>Therefore declaration of the holding as Fouti by the courts below is absolutely wrong, illegal and accordingly not sustainable in law in this case. In view of what has been said above order passed by the courts below are not sustainable in the eyes of law and the order passed by lower court are</p>	

3/11/21

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर
9	२
	<p>hereby set-a-side. The revision is accordingly allowed.</p> <p>Hence Settlement officer Santhal Pargana, Dumka is directed to delete the name of Mahendra Yadav and others, 16 Anna Raiyat (Respondents) all Village- Jokela by Caste Yadav (Gwala) from present khata NO. 25 of Mouza- Jokela-3 S.C Saraiya, Anchal- Saraiyahat, District- Dumka. And its places record the name of substituted petitioner Shelendra Yadav S/O Rukmani Devi and Late Thakur Mahto of Village- Jokela, Anchal – Saraiyahat, District - Dumka.</p> <p>Moreover name of substituted Shelendra Yadav S/O Rukmani Devi and Late Thakur Mahto to be recorded by deleting the names of the following:-</p> <ol style="list-style-type: none"> <li>1. Jhaksu Mahto, Jagrnath Mahto, Indradev mahto, Chandmani Mahto all S/O Haru Mahto village Jokela caste Yadav from present khata No.7 of mouza Kalhoria No.2.S.C Saraiya, Anchal – Saraiyahat District Dumka .</li> <li>2. Totlal Mahto S/O Jhagru Mahto village Jokela caste Yadav from present khata No.9 of mouza Kalhoria No.2 S.C Saraiya, Anchal – Saraiyahat District Dumka</li> <li>3. Dorki Tatwa S/O Rohan Tatwa, Budhu Tatwa S/O Durga Tatwa, Gurucharan Tatwa S/O Kripali Tatwa caste Tanti village Kalhoria from present khata NO.12 of mouza Kalhoria-2S.C Saraiya, Anchal – Saraiyahat District Dumka and</li> <li>4. Bhuwneshwar Mahto S/O Panchu Mahto, Darshan Mahto S/O Mithu mahto, Kharni Devi D/O Mouji Mahto from present khata No.16 of moza Kalhoria-2, S.C Saraiya, Anchal – Saraiyahat District Dumka.</li> </ol> <p style="text-align: center;"><u>Revision Allowed</u></p> <p>Dictated and corrected by me.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">         Commissioner        S.P. Division, Dumka     </div> <div style="text-align: center;">         Commissioner        S.P. Division, Dumka     </div> </div>