

In THE COURT OF THE COMMISSIONER, SANTHAL PARGANA,  
DIVISION, DUMKA.

Rev. Misc. Revision No.-200/2019-20.

Madan Pujhar ..... Petitioner.

Versus

Chuto @ Chhotu Pujhar and others ...Opposite Party.

O R D E R

22.03.2022.

This Revision has been preferred by the petitioner against the order dt. 17.02.1990 passed by the Charge Officer, Dumka in his Fouti Case No. 06/1989 thereby settled the entire Jote No. 37 of Mouza - Letto No. 20, P.S.-Dumka (M), Anchal - Dumka, District - Dumka of Mr. Gantzer's settlement with Sadhu Pujhar S/o Late Suphal Pujhar of Kolharia, P.S.-Dumka (M), Subdivision and District Dumka, father of the Opposite party of this Revision. The Opposite party appeared after admission and service of notices issued by this court.

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Heard the learned counsel of both parties concerned. The learned counsel of the petitioner submitted that the said Mouza - Letto No. 20, P.S.- Dumka (M), Subdivision - Dumka of Jamabandi No. 37 of Mr. Gantzer's settlement stand recorded in the names of Sanichar Paharia and Samru Paharia S/o Sham Paharia.

It is further submitted that said recorded Tenant Samru Paharia died issueless in jointness of his surviving brother Sanichar Paharia and subsequently said Sanichar Paharia died leaving behind his two sons namely Ishan Pujhar and Shikar @ Siman Pujhar and said Ishan Pujhar also died issueless in jointness of his brother Shikar @ Siman Pujhar, who had two sons namely Jagan Pujhar and Madan Pujhar (This Petitioner) and Jagan Pujhar died in the year 1978-79 leaving behind his only widow namely Puno Pujharin, who is alive but after death of her husband recently remarriage with another person and is living with him in another place.

It has been further submitted that in the mean time said petitioner went to Burdwan, West

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Bengal for his livelihood as labourers and hand over the entire Jote lands to his brother's widow Puno Pujharin to cultivating the same and managing and enjoying the product of the same and according said Puno Pujharin cultivating the same through the Sadhu Pujhar father of O.P.No.1 and paying rent regularly to the concerned Authority.

It has also been submitted that in khanapuri operation, the survey authority founds the possession of said Puno Puharin in respect of Jote No. 37 of Mouza - Letto of Mr. Gantzer's settlement but, the father of the O.P.No.1 namely Sadhu Pujhar after playing fraud upon the court, a Fouti proceeding initiated Vide Fouti Case No. 6/1989 by the Learned A.S.O Camp Court, Dumka for the Jote No. 38 of Mouza - Letto of the present settlement corresponding to Jamabandi No. 37 of Mr. Gantzer's settlement and without proper notices to the raiyats, by "Balabala Service" and misrepresentation of village pradhan and 16/- Anna's raiyat of said Jote No. 38/37 of Mouza - Letto declared "Fout" and during Fouti proceeding No. 06/1989 by this way or that way by playing

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fraud upon the court below fraudulently taken settlement in his name without objection after suppressing the real facts that Madan Singh S/o Late Shikar @ Siman Pujhar grand S/o Sanichar Paharia (T.T.) and Puno Pujharin W/O Late Jagan Pujhar are still alive as legal heirs and successors.

It is submitted by learned counsel of the petitioner that said Sadhu Pujhar was outsider, he is not jamabandi raiyat of said mouza - Letto of Jamabandi No. 38/37 of the present settlement but he is Jamabandi raiyat of Mouza - Kolharia of Jamabandi No. 7 of Mr. Gantzer's settlement who wrongly and illegally taking settlement as Fouti Vide order dt. 17.02.1990 passed by the A.S.O Dumka in his Fouti Case No. 06/1989 and formally approved on 27.03.1990 by the then charge officer, Dumka exparty, which is vitiated in law and liable to be set-aside and restored the said land in question to the petitioner as absolute owner under law as his ancestral property.

The Learned counsel on behalf of the opposie party vehemently contested that said Jamabandi No.

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37 of Mouza - Letto of Mr. Gantzer's settlement stand recorded in the names of Sanichar Paharia and Samru Paharia S/O Sham Paharia, both died, Samru Paharia died issueless but Sanichar Paharia died leaving behind his son Siman Pujhar who had a son namely Jagan Pujhar, who died leaving behind his only widow Puno Pujharin who stand recorded in the present J.B. No.38 of Mouza - Letto but after the death of her husband said, Puno Pujharin remarried with another person and left the house and property of her husband Jagan Pujhar and thus said Jote No. 38/37 of Mouza - Letto became Nabaldi Khata and father Sadhu Pujhar as only Paharia of that Mouza, cultivating the entire Jote No. - 38/37 of Mouza - Letto and paying rent regularly and he was/is peaceful cultivating physical possession upon the said Jote No. 38/37 of the present settlement and 16/= Anna's raiyats were appeared and given consent infavour of Sadhu Pujhar, father of the O.P.No.1, as no objection for the same. Thus the order of the Learned A.S.O. Dumka in his Fouti Case No. 06/1989 is legal, valid and genuine and petitioner is outsided, he has no concerned with the genealogy of

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Sanichar Paharia, therefore above Revision is not maintainable and it is liable to be dismissed.

The Learned Counsel on behalf of the O.P.No. 3 namely Village Pradhan of said Mouza - Letto himself as well as 16/- Anna's raiyat appeared before the court and submitted that petitioner are Jamabandi raiyat of said Mouza - Letto of Jamabandi No. 38/37 of the present settlement and petitioner succeeded the said lands and properties on the basis of inheritance, the petitioners inherited the said Jote No. - 38/37 of Mouza - Letto as legal heir and successor as his ancestral property and O.P.No. 1 and 2 are not Jamabandi raiyat of Mouza Letto but they are Jamabandi raiyat of Mouza Kulharia of Jamabandi No. 07 of Mr. Gantzer's.

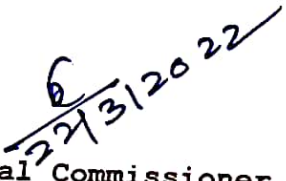
Heard the learned counsels of the parties on merit and also gone through the impugned order of the court below and also appreciating the documents and report as Show-Cause on behalf of village pradhan of Mouza Letto. I have come in conclusion that order dt. 17.02.1990 passed by the lower court of the A.S.O, Dumka in his Fouti Case No. 06/1989 was wrong and illegal and against the settled

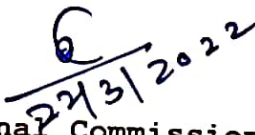
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principle of law as such it is hereby set-aside and restored the said Jote No. 38/37 of Mouza Letto with the petitioner as original and only Jamabandi raiyat and direct to record the name of the petitioner in the present Khatiyon accordingly after deleting the names of Sadhu Pujhar S/O Suphal Pujhar, who/was/is outsider, thus his Revision is allowed.

Dictated and corrected by me.

  
27/3/2022  
Divisional Commissioner,  
S.P.Division, Dumka.

  
27/3/2022  
Divisional Commissioner  
S.P.Division, Dumka.