

IN THE COURT OF COMMISSIONER SANTHAL PARGANA
DIVISION, DUMKA

Settlement Correction Case No. – 119/2021-22

Shyamakant Jha & Others ----- Petitioners

-: Versus :-

Karim Ansari & Others ----- Opposite Parties.

22/4/2022

ORDER

This Settlement Correction Case has been filed by the petitioners under Section 25 (IV) of S.P. Regulation III of 1872 for correction of material error in the record of right with respect to the lands J.B. No. – 213/123 of Mouza – Mathakesho under Anchal – Saraiyahat, Dist. – Dumka.

Learned counsel submitted that the land J.B. No. – 123 of Mouza – Mathakesho was recorded in the name of Shivcharan Maraiya, S/o Khago Maraiya, Kolho Maraiya, S/o Simamu Maraiya and Kalo Maraiya S/o Prem Maraiya. The R.Ts. default in arrears of rent as such Rent Execution Case No. – 1030

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of 1935 started and R.T. have been evicted from their J.B. No. - 123 by the order of the then Deputy Commissioner, Dumka.

Learned counsel submitted that the land J.B. No. - 123 of Mouza - Mathakesho was recorded in the names of Shivcharan Maraiya S/o Khago Maraiya, Kholo Maraiya, S/o Simamu Maraiya and Kalo Maraiya S/o Prem Maraiya. The R.Ts. default in arrears of rent as such Rent Execution Case No. - 1030 of 1935 started and R.Ts. have been evicted from their J.B. No. - 123 by the order of the then Deputy Commissioner, Dumka, thereafter the said J.B. No. - 123 settled with the Darogi Ojha and Mahanand Ojha ancestor of the petitioners. During Tasdik Operation R.E. Case No. - 79/90 started against the Opposite parties in the court of Charge Officer empowered under section 42 and 20 (5) of the S.P.T. Act 1949 and after hearing the O.Ps. Charge Officer Dumka vide order dated - 21.07.1999 passed order to record J.B. No. - 123, plot no. - 1281, 1169, 1170, 1180, 1176/A, 1178/A in favour of opposite party. The order of Charge Officer is bad in law and against the facts, circumstances and material on record. Hence pray for set aside the order of Charge Officer, Dumka passed in R.E. Case No. - 79/90 and allow the case.



Learned counsel for the opposite parties submitted that R.T. Darogi Ojha and Umacharan Ojha executed a Kurfanama in favour of O.Ps. father Khairuddin Mian on 27.07.1937. The father of the O.Ps. Khairuddin mian cultivating the land in respect of J.B. No. - 123 of Mouza - Mathakesho from 27.07.1937 and since then had been possessing the same during his life time, and after his death his son (Present O.Ps.) came into physical cultivating possession over the land with payment of rent. The said land already been mutated in the name of O.Ps. from the court of C.O. Saraiyahat vide Mutation Case No. - 29/75-76. Besides this Manilal Ojha S/o Darogi Ojha filed a Title Suit No. - 40/1963 in the 2nd Court of Dumka against the Khairuddin mian which was dismissed. The Present Settlement Correction Case having no merit, hence pray for dismissal.

Heard the learned lawyers of both parties and perusal of documents available on record I find the land Sabik J.B. No. - 123 of Mouza - Mathakesho, Anchal - Saraiyahat stands recorded in the names of Shivnarayan Maraiya and others in gantzer's settlement purcha. The G.R.T. default in arrears of rent and initiated R.E. Case No. - 497 of 1936-37 and evicted the



G.R.Ts. from J.B. No. – 123 of Mouza – Mathakesho and same to be settled with Darogi Ojha and Mahanand Ojha. I find Said Darogi Ojha and Mahanand Ojha executed Kurfanama in favour of O.Ps. father Khairuddin Mian on 27.07.1937 in respect of disputed plots, since then Khairuddin Mian thereafter heirs are in cultivating possession over the disputed land. The disputed plots already been mutated in favour of the opposite parties. I find opposite parties established Adverse Possession over the disputed land J.B. No. – 213/123 of Mouza – Mathakesho, whereas petitioners have not proved their claim.

Accordingly Revision is Dismissed.

Dictated and Corrected by me.


22/9/2022
Commissioner
S.P. Division, Dumka.


22/9/2022
Commissioner
S.P. Division, Dumka.