
(2008) 07 JH CK 0112
In the Jharkhand High Court

Babu Lal Mandal	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 15-07-2008

Acts Referred:

Santhal Pargana Tenancy (Supplementary Provisions) Act, 1949 — Section 5, 6

Citation : (2008) 4 JCR 89

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard the counsel for the parties.

2. In this writ application, the petitioner is challenging the order dated 19/10/2001, passed by the Sub-Divisional Officer, Jamtara, contained in Annxcxurc-3 to the writ application, whereby the learned Sub-Divisional Officer held that the appointment of Village Head (Pradhan) would be made on the basis of election and during ".hat election the case of Babu Lal Mandal and his other two relatives would be considered and be given priority if they gain bare minimum support of the Raiyat. The petitioner has also challenged the appellate order date 10/12/2007 passed by the Deputy Commissioner, Jamtara, contained in Annexure-4, which was filed against the order of the Sub-Divisional Officer, wherein the Deputy Commissioner directed the S.D.O. to consider firstly the claim of the heirs of the Late Village Pradhan and after consideration, if one of them are not found acceptable to Tetulbandha village, then to go for election.

3. The dispute with regard to appointment of Village Heed (Pradhan) arose only after the death of the village Pradhan namely, Jogeshwar Mandal. After his death one Arjun Rana and Jharilal Pandit applied for their appointment, as Village Pradhan under the provision of Section 5 of the Santhal Pargana Tenancy Act. The present writ petitioner Babu Lai Mandal being the eldest son of the last Pradhan also applied for being appoint as Village Pradhan. Basudcv Mandal, the

son of the last Pradhan from his second wife as well as the second wife of the Late Pradhan namely Sugdi Devi also applied by staking their respective claim.

4. The present writ petitioner Babu Lal Mandal claiming himself to be the eldest son of the last Pradhan claimed for appointment on the basis of ;he provision of hereditary as provided u/s 6 of the Santhal Pargana Tenancy Act. The Deputy Commissioner, in the impugned order, contained in Annexure-4, after considering the provisions of Section 5 as well as 6 of the Sahllia) Pargana Tenancy Act has come to the conclusion that the claim of the pel sons claiming right to the post of Pradhan on the basis of hereditary comes first and, therefore, it was essential for the Sub-Divisional Officer to consider the claim of Sugdi Devi, Basudev Mandal and Babulal Mandal at first instance and, thereafter, if one of othem is not found acceptable by the villagers then as per Rule the S.D.O. should go for election.

5. Accordingly, the Deputy Commissioner, remanded the matter back to the Sub-Divisional Officer to consider the claim of the heirs of the last Pradhan, i.e. his widow Sugdi Devi, his son Babu Lal Mandal, i.e. the present petitioner and the son of the second wife of last Pradhan holding that if any one of the heirs of the last Pradhan are not acceptable to the Tetulbandha villagers, then the S.D.O. should make further arrangement of election.

6. After going through the impugned orders, passed by the Deputy Commissioner, I find that the order passed by him is in conformity with the provisions of Santhal Pargana Tenancy Act and, therefore, the same does not require any interference by this Court in its writ jurisdiction.

7. Accordingly, having found no merit, this writ application is dismissed.