

Charge Officer dated 06.07.1996. The appeal preferred by the petitioners was rejected by the learned Commissioner on the ground that Sada Patta had not been filed and the appellants had not filed any receipt issued by the State of Bihar prior to 1977-78. Furthermore, even private respondents who were taking claim over the land in question, had filed rent receipt issued by the ex-land lord and had not filed rent issued by the State of Bihar.

5. The order is assailed on the ground that the respondents may have failed to file the rent receipts, but the petitioners have filed rent receipts both by the ex-land lord as well as by the State of Bihar.

6. It is argued by the learned counsel on behalf of the State that sufficient opportunity has been given by the settlement Court, as well as by the learned Commissioner, to the petitioners for adducing evidence in support of their claim over the suit property on the basis of Sada Patta, followed by actual in continuous possession. The petitioners, however, miserably failed to bring on record any cogent evidence regarding settlement of land, by the ex-landlord, return with respect to it having been filed, the rent fixation made, Jamabandi opened in the name of the petitioners or their predecessor in interest.

7. Having considered the submissions advanced on behalf of both sides, it is apparent that there is concurrent finding by the learned Commissioner as well as the charge officer, wherein their claim over the land in question has been denied for want of any evidence. It is settled position of law that the settlement is a form of lease which is required to be registered in terms of Section 17 of the Registration Act. However, where the matter involves agricultural lease/settlement, an unregistered instrument of settlement followed by evidence of possession, has been accepted to be sufficient proof of settlement (Refer to *Mt. Ugni v. Chowa Mahto*, AIR 1968 Pat 302).

8. In the present case, as noted in the impugned order, there is no evidence of settlement or any rent receipt issued by the State after the vesting of the intermediary interest.

I do not find any illegality in the impugned order.

Writ petition stands dismissed. I.A., if any, is disposed of.

(Gautam Kumar Choudhary, J.)