

**Chintamoni Jena and ors. Vs. Jagannath Ramanuja Das and anr.**

**LegalCrystal Citation :** [legalcrystal.com/877345](http://legalcrystal.com/877345)

**Court :** Kolkata

**Decided On :** Aug-11-1914

**Reported in :** AIR1915Cal644(1),28Ind.Cas.651

**Judge :** Holmwood and; Richardson, JJ.

**Appellant :** Chintamoni Jena and ors.

**Respondent :** Jagannath Ramanuja Das and anr.

**Judgement :**

1. The question which appears to be one of jurisdiction on the Rule really depends upon the second ground of the Rule, which is that; effect has not been given to the presumption arising from the entries in a recently published Record of Rights. That certainly is not a question going to the jurisdiction and we, therefore, cannot interfere, We at first thought that the other ground that there should have been separate proceedings in respect of the several plots claimed by the several sets of tenants, was a separate point going to the jurisdiction. But we find that this is not so. The other sets of tenants have not come here at all, and the present applicants have only come upon the ground that they had obtained tenant rights and possession by a recently published Record of Rights. It is needless to say that whatever presumption may be raised by such a record, it does not in itself establish the fact of possession, and that if the Magistrate decides the fact of possession wrongly that is not a question with which the High Court can interfere under the Charter, it not being a question of jurisdiction.

2. The Rule is discharged.