

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ								
12-04-2018	<p style="text-align: center;">In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Case No. 35/ 2017-2018</u> Raja Ram Mishtri- applicant Vrs. Mithilesh Mishra- opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Sri . Lallan Kumar. <u>Learned Advocate of opposite parties</u> 1. Sri . Bashishtha Narain.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;">Schedule</p> <table border="1" data-bbox="231 1025 1268 1310"> <thead> <tr> <th>Khata</th> <th>Khesra</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>88</td> <td>536</td> <td>0-02</td> <td>N-Plot No-537 Avdhesh Sao. S-Brahma Deo Ram. E-Thakur Bari. W-Rama Nand Sao.</td> </tr> </tbody> </table> <p>Mauza- Manikpur, P.S.+ Anchal-Kurtha, Op-Manikpur, Dist-Arwal Learned advocate of applicant submitted that land mentioned in schedule is purchased land in name of ancestor of applicant. He said that purchased land comprises of 05 desimals and out of which an area of 03 desimals was sold by ancestor of applicant. Learned advocate alleged that opposite party namely Maithli Sharan Mishra alias Mithilesh Mishra had tried to grab his remaining area of land on 05 th October 2015. He alleged that op claims to be "Pujari" of Thakur Bari' and claims that</p>	Khata	Khesra	Area A- D	Boundary	88	536	0-02	N-Plot No-537 Avdhesh Sao. S-Brahma Deo Ram. E-Thakur Bari. W-Rama Nand Sao.	
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disputed land is part of Gifted land given to "Thakur Bari" and wrongly claims to be in his possession, since two generation. Learned advocate said that applicant had informed to SHO of Police Station and accordingly SHO asked for documents but op could not produce any document related to disputed land. So he pleaded for measurement, demarcation and pillaring of his land.

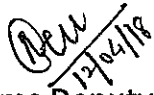
Learned advocate of opposite party submitted that disputed land is a dwelling house of opposite party, in which he has been residing with family members, since the time of his grand father. Learned advocate said that ancestor of applicant never had any concern with said land. He said that after perusal of kewala dated 23 sept 1963, it can be found that ancestor of applicant namely Mukhlu Mishtri, the vendor of Ram Chandra Sao has left no area of land in disputed khata & khesra. Learned advocate argued in court that ownership of land is not well established as applicant is not a khatiyani raiyat. Further, in kewala of Mukhlu Mistri Vrs Ram Chandra Sao, Lakhun Sao & Ram kisun Sao name of ancestor of op is mentioned as boundary person. So the issue related to disputed land is related to possession & title. So learned advocate pleads for dropping the case.

Heard the learned advocates & perused the documents available on record. Applicant has submitted revenue receipts & Photostat of kewala which is in kaithi script and its Hindi translation was required to be submitted to this court where as op has not submitted any document. So

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after looking these documents, it can be said that in a kewala plot Hazā Bachchan Mistri is mentioned which as per op it should be Bachchan Mishra alias Ram Vachan Mishra. So if it is true then op's claim on basis of said kewala may be correct that his ancestors lived at spot. Further, at spot vacant land doesn't seem to be available, so this court can not give any direction for measurement till title is clear at spot. So the relief sought by applicant is rejected, he may seek remedy in any other competent court.

Dictated and corrected


12/04/18

Land Reforms Deputy Collector
Arwal


12/04/18

Land Reforms Deputy Collector
Arwal.

