

आदेश की क्रम
संख्या और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई
कारवाई के बारे में
टिप्पणी तारीख के
साथ

In The Court Of: Land Reforms Deputy Collector, Arwal.

Case No. 76/ 2015-16

Harun Rashid- applicant

Vrs.

Sabir Alam & others- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Md. Suhail Akhtar.

2. Mis. Rukmini Kumari.

Learned Advocate of opposite parties

1. Sri. Arun Kumar.

ORDER

Both the parties appeared at the of hearing. The present case is related to

Schedule -01

Khata	Khesra	Area B- K-D-D	Boundary
86	470	0-01-03-05 (N.S.- 16 Feet wide E-W-90 feet long)	N-Niz. S- Late Sarafat Hussain & preseat sabra khatoon E- Niz & Siwana Mahuari Nurullah W- Road.

Schedule -02

Khata	Khesra	Area A-D	Boundary
89	95 New 77 Old	0-53	

Mauza- Mahauri Nurullah (New Arwal), Anchal+Post+P.S.+
Dist-Arwal

The learned advocate of applicant submitted that land mentioned in schedule-01 was of applicant

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who received through registered Taksimnama dated 17.06.1988 as decided among his lineage family. Learned advocate further submitted that land mentioned in schedule-01 was sold by him to Md. sabir Alam (opposite Party-01) s/o Late Zahirudhin Ansari and accordingly possession was given to him. However, land mentioned in schedule-02 remained with applicant (vendor) for their passage and it is in his possession but Md. Nazir Alam (opposite Party-02), the brother of opposite Party-01 is involved in illegal activities. Learned advocate alleged that Nazir Alam is trying to capture his land of schedule 02, infact he has constructed drainage and has erected 'Chhajja' i.e. balcony & opened doors of windows to wards the land of applicant. so the case has been filed in this court, So that disputed land can be measured & demarcated as per documents. Further, learned advocate pleaded for direction to opposite Party for removal of illegal construction & declaration of right in favour of applicant.

Learned advocate of opposite party submitted that land mentioned in schedule- 01 was purchased by opposite parties from applicant on name of sabir Ansari (opposite Party-01) though both the named opposite party are own brothers and they have equally contributed in purchasing the said land. He said that land has been purchased through two different kewalas each comprising 10 dhur of land. Further as per documents in northern side five feet passage has been shown where as in southern side is sabra khaton, in east is siman Dangra Aahar, west ' kachchi sarak' at Mauza-Mahuari Nurullah (New Arwal) Dist-Arwal.

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Learned advocate emphatically said that opposite parties has nothing to do with land mentioned in schedule-02. He said that opposite parties has constructed building in their purchased land and they have been residing for last seven yrs. He informed that half of its residential area is fallow land, so sufficient area has been left for use of drainage, door, windows, balcony etc. Learned advocate refuted the claim of applicant that any illegal construction has been done by opposite party and its enquiry can be done by any agency of court. Learned advocate stated that opposite parties being own borther has constructed houses as per their convenience and mutual understanding, in fact opposite Party-01 has full right to give possession to opposite Party-02 and applicant has no right to interfere in their internal matter. Learned advocate alleged that applicant has filed the case for harassing the opposite parties, so pleaded for dismissal of the case.

Heard the learned advocate of both the parties & perused the documents available on record. Applicant has submitted documents related to land as well as revenue receipts where as opposite parties has submitted kewales & written arguments. After looking documents it can be said that both the parties accepts regarding sale & purchase of land mentioned in schedule-01 which means opplicant is vendor & opposite party is vendee of said land. However, applicant alleges that opposite parties are trying to encroach the land mentioned in schedule-02 which belongs to applicant and accepts that land of schedule-2 is of applicant. So in such a situation applicant is

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directed to approach circle officer, Arwal and get his area of land mentioned in schedule-01 measured & demarcated, however if opposite parties are found to be in possession of more area of land than purchased then they are directed to leave the land in favour of applicant.

Dictated and corrected

Arwal
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Land Reforms Deputy Collector
Arwal

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Land Reforms Deputy Collector
Arwal.