

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. 108/ 2015-16

Dharmendra Kumar & others- applicant
Vrs.

Fagu Paswan & Others- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri. Shailendra Kumar.

2. Sri. Binod Kumar Singh.

Learned Advocate of opposite parties

1. Sri. Manoj Kumar.

2. Sri. B.K. Prabhakar.

3. Sri Anil Sharma.

ORDER

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

Schedule

Khata	Khesra.	Area A- D	Boundary
322	153	0-09	N- Raj Mani Devi. S- Satya Narain. E-Sarak. W- Niz.
322	153	0-06	N-Raj Mani Devi. S-Vidya Nand. E-Sarak. W-Niz.
322	153	0-09	N-Jagdish Thakur. S-Vidya Nand (Kharidar Imroje) E-Sarak. W-Niz.
322	153	0-16	N-Satya Narain Singh. S-Niz. E-Sarak.

15/03/2017

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322	153	0-09	N-Ujjwal Singh. S-Ram Uday Singh. E-Sarak. W-Niz.
322	153	0-09	N-Ram Uday Singh. S-Ram Awatar Singh. E-Sarak. W-Niz.
322	153	0-09	N-Ram Awatar Singh. S-Ramanand Singh. E-Sarak. W-Niz.

Mauza-Chatoi, Anchal+P.S.-Kurtha,P.O.-Manikpur, Dist-Arwal

The learned advocate of applicant submitted on behalf of Dharmendra Kumar s/o Late Ram Uday singh, Rajneesh Ranjan s/o Late satyendra kumar, Vidya Nand singh s/o Late Munardev singh, Ajay singh s/o Ambika singh, Pramod kumar s/o Rama Nand singh, Munna singh s/o Late Ujjwal singh, Vikas kumar s/o satya Narain singh that land mentioned in schedule is purchased land in name of parents of applicants and few of kewalas land has been mutated and accordingly they have revenue receipts with them. Learned advocate while arguing in court said that opposite parties are aggressive in nature and they are linked to radical left winged groups and with out any leagal documentary papers they have occupied the land of applicants. Learned advocate refuted the allegation of op that applicant's kewalas are forged and said that op should challenge their kewalas in civil court. Further, even if opposite parties has constructed their houses,

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their areas of land as well as khata & khesras are not clear, so for this measurement of disputed land is necessary for resolving the issues at spot. Learned advocate also refuted the claim of applicant that any agreement among applicants & opposite parties had occurred and said that return of disputed land, produced by applicants are proof that disputed land is not "Aam Gair Majurwa" land but it is riyati land. So learned advocate pleaded for measurement & demarcation of land mentioned in schedule as well as declaration of right in favour of applicants.

Learned advocate of opposite parties submitted on behalf of Fagu paswan s/o Late Bipat paswan (op-01), Vijay paswan s/o Fagu paswan (op-02), Pujan paswan s/o Fagu paswan (op-03), Maheshwar paswan alias kamandal paswan s/o Dwarika paswan (op-04), Surendra paswan s/o Late Raja paswan (op-05), Maharaj paswan s/o Bipat paswan (op-06), Beera paswan s/o Late sumdeo paswan (op-07), Rajdeo paswan s/o Late sukh Lal paswan (op-08), Sakal Deep paswan s/o Ramchandra paswan (op-09), Shyam Bhaju Das s/o Raman Das (op-10), Dev Laxan Bind s/o Late Ram Deo Bind (op-11) that in disputed land, opposite parties has constructed their residential houses and they are residing with their family for several yrs. Further, kewalas of applicants are forged as it was never operative at spot. Learned advocate stated that in disputed khata & khesra opposite parties namely Maheshwar paswan alias kamandal paswan & surendra

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paswan has constructed their indira Awas by utilizing the govt money where as in disputed khata & khesra, Late Raja paswan s/o Late Bipat paswan & Ganesh paswan s/o Late Raja paswan has also been allotted indira Awas but they have not been made party in this case. Learned advocate mentions in written statement that Binda paswan one of the settled persons at spot was murdered by applicants and there after as per agreement, applicants didn't claim the disputed land. He also informed that Late satyendra kumar F/o Rajneesh Ranjan had filed a case No.-1400/2000 U/S 144 of crpc in court of SDM, jehanabad and that case was decided in favour of opposite parties. Learned advocate said that circle officer kurtha had enquired about the disputed land and had found it to be "Aam Gair Majurwa" and landless schedule castes were found to be in possession of that land. Learned advocate claimed that circle officer kurtha has not given any order for mutation of disputed land and applicants wants declaration of their right in land mentioned in schedule which is beyond jurisdiction of this court. Learned advocate argued that for measurement there should be boundary dispute but in this case, it is not found at spot. Further, no cause of action is mentioned in plaint. He also refuted the allegation of applicants that opposite parties are attached to ultra left group and exclaimed that if it was true, then how member of op's family was murdered? Learned advocate alleged that prior to purchase of

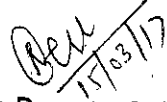
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land, applicants should have verified the possession of their vendor at spot. He said that op is not in boundary of applicants and claimed that in disputed khata & khesra, hundreds of persons have constructed their residential houses but applicants are targeting only them. So learned advocate pleaded for refusal of the relief & dismissal of the case.

Heard the learned advocate of both the parties & perused the documents available on record. Applicant's has submitted kewalas & revenue receipts where as opposite parties has not submitted any documents. After looking the documents & arguments, it is found that applicant himself mentions that disputed land is " raiyati" and wants declaration of right on the land. so learned advocate of applicants are well aware that declaration of right on raiyati land is beyond jurisdiction of this court. So this court can not grant any relief to applicants, they may seek remedy in any other competent court.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

