

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ
26-08-2016	<p style="text-align: center;">In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Case No. 30/ 2014-15</u> Sachida Nand Singh- applicant Vrs. Dina Nath Singh & others-- opposite parties <u>Case No. 93/ 2013-14</u> Sachida Nand Singh & Others- applicant Vrs. Dina Nath Singh & others-- opposite parties <u>Case No. 110/ 2013-14</u> Dina Nath Singh & others- applicant Vrs. Sachida Nand Singh & others-- opposite parties <u>Case No. 48/ 2014-15</u> Dina Nath Singh & others- applicant Vrs. Sachida Nand Singh & others-- opposite parties Present- Rakesh Kumar,DCLR <u>Advocate of Sachida Nand Singh & others</u> 1. Sri Shailesh Sharma. 2. Mrs. Rukmini Kumari. <u>Advocate of Dina Nath Singh & others.</u> 1. Sri Gauri Shanker Mishra. 2. Sri Saroj Kumar Jha. 3. Sri. Binod Kumar. 4. Sri. Ram Dayal Pandey.</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>	

(Signature)

Schedule

As Per Case No 30/14-15

Khata	Plot No	Rakwa A- D	Boundary
288	135	$0-10\frac{1}{2}$	N- Ram Sevak Singh. S- Barran Singh. E- Ram Sevak Singh. W- Niz.
391	492	0-1.81	N- Niz. S- Niz. E- Qutubpur Siwan. W- Dina Nath Singh & others.
391	494	0-13	N- Ram Lakhan Singh. S- Kamlesh Singh. E- Siwan Qutubpur. W- Dina Nath Singh.

As Per Case No.- 48/2014-2015

Khata	Plot No	Rakwa A- D	Boundary
288	135	$0-10\frac{1}{4}$	N- Niz. S- Ram Lakhan Singh. E- Raghu Nath Singh. W- Niz.
490	128	$0-12\frac{1}{4}$	N- Bhuneshwar Singh. S- Ram Lakhan Singh. E- Niz. W- Dina Nath Singh.
287	127	$0-7\frac{1}{4}$	N- Bhuneshwar Singh. S- Niz. E- Ram Daheen Singh & others. W- Niz.
520	474	0-09	N- Sarak. S- Paen. E- Ragho Singh. W- Ram Ugrah Singh.

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391	492 & 494	01-19	N- Ram Lakhan Singh. S- Sudarshan Singh. E- Ram Lakhan Singh & others. W- Ram Chandra Singh & others.
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As Per Case No. 110/2013-2014

Khat	Plot No	Rakwa	Boundary
393	488 & 491	0-22	N- Ram Sevak Singh. S- Ram Lakhan Singh. E- Pind. W- Radho Singh.

As Per Case No- 93/2013-2014

Khat	Plot No	Rakwa	Boundary
391	492	1-94	N- Ram Lakhan Singh. S- 494 Plot, Kamlesh Singh E- Qutubpur, Ram Iqbal Singh. W- Plot 492, Dina Nath Singh.
391	494	0-13	N- Ram Lakhan Singh. S- Kamlesh Singh. E- Chandra Deo Singh. W- Dina Nath Singh & others.
393	488	0-44	N- Ram Lakhan Singh. S- Ram Lakhan Singh. E- Ram Iqbal Singh. W- Raghav Singh.

Mauz- Pondil, Tola- Gularia Chak, Anchal- Sonbhadrapur Bansi Suryapur. P.S.- Kurtha, Dist- Arwal.

Learned advocate of both the parties submitted that land mentioned in schedule is disputed land and it has led to filing of four different cases in this court where same persons are applicant in one case & opposite parties in another case. He said that in case No.-30/14-15, applicant is Sachida Nand Singh and opposite parties are Dina Nath Singh & Ramsevak Singh. However these opposite parties are applicant in case No.- 110/13-14 and 48/2014-2015 where Ram Lakhan Singh, Achuta Nand Singh, Sachida Nand Singh,

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Dharmendra Singh s/o Ram Lakhan Singh and in case No. 110/13-14 and Ram Lakhan Singh. Ram Chandra Singh, Ram Pravesh Singh, Dharmendra Singh are opposite parties where as in case No.- 93/13-14, Ram Lakhan Singh is applicant but Dina Nath Singh, Ram Sevak Singh, Ram Chandra Singh, Ram Pravesh Singh, Birendra Yadav, Barran Yadav, Most- Geeta Kunwar & TunTun Yadav are opposite parties.

Learned advocate Sri Shailesh Sharma submitted on behalf of sri Sachida Nand Singh & others that both the parties are from same lineage and they had partitioned their property in year 1956 and as per schedule dated 05.07.56 they are in possession of the land. He informed that some of the share holders also sold their portion of land based on partition schedule. Learned advocate alleged that his clients opposite parties continuously breaks the ridge and unnecessarily claims the land of his client. He informed that former DCLR had visited the spot then he directed to measure and demarcate the areas of concerning persons. However, measurement report submitted by learned advocate commissioner was found to be faulty, so a board was constituted which has given the measurement report after a year. Learned advocate alleged that report of board is biased as they didn't visit the spot. So requested this court to inspect the spot of disputed land.

The learned advocate Sri Gauri Shanker Mishra submitted on behalf of Dina Nath Singh & others that main contenders of this case are from same lineage and out of the three families, two has agreed to the report of board but one family namely sachida Nand Singh

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doesn't agree to report due to his vested interest in land. He said that in earlier report fixed point i.e. (Mustakil) was not mentioned so it was remeasured by board members namely advocate commissioner Sri P.C. Maharaj & Sri Vashishta Narain though he (Gauri Shanker Mishra) was not present at spot on date of measurement. Learned advocate further informed that earlier at village level, panchayat was held and under its supervision three Amins had measured and demarcated the disputed land and here too it was found that Sachida Nand Singh has dispossessed the two families of same lineage from their area of land as per partition schedule. Learned advocate has also submitted written argument and has given details of date, notices served to concerning parties & measurement done in front of villagers. He alleged that Sachida Nand Singh is in possession of more than his share of land and is spoiling the time of this court as case is pending for last three yrs and in mean time father of Sachida Nand Singh namely Ram Lakhn Singh has also expired. Finally learned advocate pleaded for approval of Remeasurement report submitted by board and direction for restoration of dispossessed land to concerning parties.

Heard the learned advocates of both the parties & perused the documents available on record. It seems that concerning parties has no problems related to documents submitted by them and their problem is related to measurement & demarcation of land as per partition done in year 1956. After looking the report of learned advocate commissioners of the board, it is found that they have clearly defined the areas of three

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heads of families, in schedules 1 of Shiv Raj Singh, Schedule 02 of Mohit Singh and schedule 03 of Ram Lakhani Singh. After perusing the measurement report it is found that land of Shiv Raj Singh & Mohit Singh has been dispossessed by descendants of Late Ram Lakhani Singh and they are illegally occupying their areas of share as per partition done in 1956. Thus, the measurement report of board is approved with direction that descendants of Late Ram Lakhani Singh i.e. Sachida Nand Singh will restore the dispossessed land to concerning parties. Here, it is also directed that all concerning parties of all four cases mentioned above will abide by measurement report of the board. Further, measurement report submitted by learned advocate commissioners namely Sri P.C. Maharaj & Sri Vashishtha Narain as well as other document related to it will be part of the order.

Dictated and corrected

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26/08/16
Land Reforms Deputy Collector
Arwal

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Arwal.