

आदेश की क्रम  
संख्या और  
तारीख

## आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर जो गई  
कारवाई के बारे में  
टिप्पणी ताभीय के  
साथ

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

Case No. 84/ 2015-16

Shyama Charan Singh- applicant

Vrs.

Mithilesh Thakur & others- opposite parties

Present- Rakesh Kumar, DCLR

Advocate of applicant

1. Sri. Anil Sharma.

Advocate of opposite parties.

1. Sri . Om Prakash Sharma.

### ORDER

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

#### Schedule- 01

Khata	Plot No	Rakwa A-D	Boundary
56	191	0-04 (out of this, dispute is on ½ dismal of land from southern side)	N- Haza plot, applicant's House. S- Opposite parties. E- Umesh Singh & others. W- Harihar Singh.

#### Schedule- 02

Khata	Plot No	Rakwa A-D	Boundary
68	192	0-7 $\frac{1}{2}$	N- Plot No- 191 of applicant's house. S- House of Rameshwar paswan and vacant plot. E- House of Tapeswar singh. N- House of Ramesh singh & Birendra singh.

Both the schedule is situated at Mauza- Sembhuwa, P.S.-Mehndiya, Dist- Arwal.

The learned advocate of applicant submitted that

*Om Prakash Sharma*

16-11-2016

land mentioned in schedule is khatiani land of applicant, in fact in khatiyani name of his father namely Raja Ram Mahto, his uncles namely SamLal Mahto & DevLal Mahto are mentioned and accordingly his father and uncles separated their area of land and land mentioned in schedule came in share of applicant's father. Learned advocate informs that applicants were four brothers and out of which three has expired and mentioned land in schedule-01 is in possession of applicant. Learned advocate submitted that applicant's father had constructed the house after leaving an area of 05 kury in southern side and informs that in its south is land of applicant. Learned advocate said that uncle of opposite party had constructed wall in land of applicant and it was found in measurement report of circle officer kaler. He alleged that opposite parties are illegally using applicant's land as drainage which was informed to honourable DM Arwal in janta Darbar and as per direction, case has been filed in this court. Learned advocate pleaded for measurement of disputed land at the cost of applicant, if dispossession is found then it should be restored to applicant. Learned advocate also wants declaration of right on the said land.


Learned advocate of opposite parties submitted that applicant has his house over the land mentioned in schedule and claims that opposite party is poor and from weaker section of society. He said that Late Ramjanam Thakur F/o Mithilesh Thakur (opposite party 01), Shreedhar Thakur (opposite party 02) and Lal Bahadur Thakur (opposite party 03) was settled on land mentioned in schedule-02 by former Zamindar and over which they are residing since last sixty yrs, which is

*Beal*

known to all surrounding persons and especially to applicants. Learned advocate stated that opposite parties had leveled about an area of three feet in northern side for air & light and they are also using it as drainage in that area. He alleged that applicant has filed the case for harassing the opposite parties by concocting the facts. He said that applicant's should not be given any relief and wants dismissal of the case with cost.

Heard the learned advocate of both the parties & perused the documents available on record. Applicant has submitted photocopy of khatian where as opposite parties has submitted photo copies of chaukidari receipt, a letter given to vijay kumar the Ujrat Amin, for measuring the disputed plot, an application given to sarpanch by opposite party, measurement report of Amin submitted to circle officer. After perusing the report it is found that Anchal Amin has already demarcated the land of applicant, So it will be a futile exercise to give a direction for remeasurement of land mentioned in schedule. Thus, all concerning parties are directed to abide by measurement report of circle officer kafer.

Dictated and corrected

  
Land Reforms Deputy Collector  
Arwal

  
Land Reforms Deputy Collector  
Arwal.

