

आदेश की क्रम  
संख्या और तारीख

## आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की ग.  
कारवाई के वार.  
टिप्पणी तारीख  
साथ

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

Case No. 77 / 2015-16

Gunjan Kumar & Others- applicant

Vrs.

Pramila Devi & Others- opposite party

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri . Vidya Sagar Singh.

Learned Advocate of opposite parties

1. Sri Akhilesh singh.

### ORDER

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

### Schedule

Khata	Khesra	Area A- D	Boundary
121	655	0-18 (out of this 03.821 dismal)	N-Vishwa Nath singh. S- Rasta. E- Chadrama singh. W-.House of Rameshwar Mishtri's son.

Mauza- Prasadi English, P.S.+Anchal.+Dist- Arwal.

The learned advocate of applicant submitted the geneological table of family of opposite party and said that their ancestor was late Kael Mahto who had three sons namely late Ramswaroop singh, Late Lal Babu singh and Vishwanath singh. However Late Ramswaroop singh has sons namely Chandrama singh, Vijay kumar singh H/O Parmila devi (opposite party-01), Ram Babu singh and Shyam Babu singh.

*Resh*

12-07-2016

Learned advocate said that after demise of Ramswaroop singh, his two brothers namely Lal Babu singh and Vishwanath Singh along with one of the sons of Late Ramswaroop singh namely Chandrama singh had partitioned the joint family property of late Kael Mahto on 29.9.2002 and it is written "khangī batwara" in front of Panches. Learned advocate informed that after partition, Lal Babu singh sold his share of land mentioned in schedule to kameshwar singh S/O Govind singh on 17.11.2005 and accordingly he came into possession of that land. Later, Kameshwar singh sold the mentioned land to Nirmala Devi W/O Ram Bhavan Yadav and Sangeeta Devi W/O Sanjay Yadav on 30.09.2005. Learned advocate said that these persons also got possession of land and later, they sold it to applicant namely Gunjan kumar and Rajesh kumar both S/O Chitranjan Prasad on 21.08.2014 and on that basis said land was mutated and they are paying rent to government. Learned advocate said that Lal Babu singh, one of the brother of Late Ramswaroop singh has erected a wall of 28 feet in length and 5 feet in height from east to west, towards northern side which can be seen at spot. Learned advocate also informed that opposite parties had filed a case NO-1580/14 U/S 144 of crpc which was dismissed, again they filed case NO-1826/14 U/S 144 crpc which was decided in favour of applicant of this case on 15.01.2015. However, Ram babu singh (opposite party-03) again applied for

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proceeding U/S 144 of crpc in which his application was sent to S.H.O Arwal for enquiry by Honourable court of SDM, Arwal and in this case police reported that disputed land is in possession of applicant of this case. However, learned advocate alleged that opposite party with help of criminals has destroyed the tubewell on 17.06.15 which was bored by applicant in disputed land and declared that land is in possession of opposite party. Learned advocate has also submitted written argument and states that total area of land was 18 desimal and out of this all three sons of Late Kael Mahto received 06 desimal of land each as per share. He also informed that applicant has purchased other plots also along with disputed land and alleged that statements given by opposite party regarding partition suit No 163/02 Lakho Devi (Mother in law of opposite party 01) vrs Lal Babu Singh is proceeding in civil court Jehanabad is false as that has been dismissed on 22.05.2010. Finally, learned advocate pleaded for measurement & demarcation of land mentioned in schedule as well as declaration of right in favour of applicant.

Learned advocate of opposite party submitted that disputed land was of Ramswaroop Singh, Vishwanath Singh and Lal Babu Singh, the vendor of disputed land had no right to sale the land as disputed plot along with other plots was corrected i.e. "Laldavi" was done by Devnath Singh on 22.6.84, so the kewala of applicant has no leagal validity. Learned

*Bent*

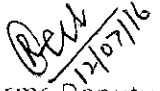
advocate also refuted the claim of applicant that any partition among children & grandchildren of Kael Mahto had taken place as partition suit No. 163/2002 is proceeding in civil court and next date of hearing is 02.07.2016. He stated that applicant has not challenged the "ladavi" done on 22.06.84 in any competent civil court to prove that land belongs to Lal Babu Singh. Learned advocate is of view that issues involved in this case is complex and it is beyond Jurisdiction of this court to resolve matter and in this context he quoted rulings of patna high court. Learned advocate has also submitted written argument and mentions that in case No .1824/16 which proceeded U/S 144 of crpc in name of Pramila devi (opposite party 01) vrs Chitranjan Sao & others , learned court of SDM ,Arwal has accepted the view of opposite party of this case that Lal Babu singh had no right to sell the land. Learned advocate emphatically writes that applicants never had possession over disputed land and said that stories related to Tubewell is false. Learned advocate writes that in tittle suit No 163/2002/82/2005, learned court of additional judge-4 of Jehanabad has passed order on 31 . 07 . 2006 for maintaining status quo on disputed land but applicant's vendors never moved court against this order. Finally, learned avocate pleaded for not granting any relief and dismissal of the case .


Heard the learned advocates of both the parties &

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perused the documents available on record. Applicants has submitted kewala, revenue receipt where as opposite party has submitted documents related to partition suit in court of sub judge-1 Jehanabad, rulings of Honorable High court Patna in case of Maheshwar Singh vrs state of Bihar, documents related to Devnath Singh vrs Ramswaroop Singh & Vishwanath Singh, T.S.NO 163/2002, Miscellancous case No.02/2015 PS No. 163/2002 Vijay kumar singh S/O Late Ramswaroop singh vrs Kamala devi & Suneeta Devi both D/O Lal babu singh & others. After looking these documents it is found that there is dispute related to ownership of disputed land whether it belongs to Late Ramswaroop Singh or Late Lal Babu singh. It is found that land's kewala was done by Lal babu singh to Kameshwar singh who in turn sold it to Nirmala devi & Sangeeta devi, the vender of applicant. Since, P.S.no.163/2002 is proceeding in honourable civil court, Jehanabad, this court can not give any relief to applicant until Judgement is given by learned judges of civil court. So the claim of applicant is rejected and case is dismissed.

Dictated and corrected

  
Land Reforms Deputy Collector  
Arwal

  
Land Reforms Deputy Collector  
Arwal.

