

आदेश की क्रम  
संख्या और  
तारीख

## आदेश और पदाधिकारी का हस्ताक्षर

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गई कारवाई  
बारे में टिप्पण  
तारीख के सा

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

**Case No. 114/ 2015-16**

Meeta Ram Singh- applicant

Vrs.

Shyam Kishor Singh- opposite parties

Present- Rakesh Kumar, DCLR

Advocate of applicant

1. Sri. Bali Ram Pathak.

Advocate of opposite parties.

1. Sri . Surendra pandit.

### ORDER

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

### Schedule

| Khata | Plot No | Rakwa   | Boundary  |
|-------|---------|---|---|
| 270   | 693     | 19 desimal ke janib<br>Uttar 80 kurry Lamba<br>x 16 kurry chaura,<br>disputed 'sahan' ki<br>"Bhumi" | N- Shyam kishor singh<br>(op).<br>S- Niz No Haza.<br>E- Surya Dev singh.<br>W- Dilip kumar. |
| 253   | 685     | 05 desimal ke janib<br>pashchim $3\frac{1}{4}$ kurry<br>chaura x 120 kurry<br>Lamba is disputed     | N- Lalmuni Devi.<br>S- Surya Dev singh.<br>E- Niz No Haza.<br>W- Shyam kishor singh<br>(op) |

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

The learned advocate of applicant submitted that land mentioned in schedule is purchased land of applicant's ancestor. He informed that in disputed land a proceeding under section 144 of crpc was initiated in court of Learned SDM, Jehanabad and its case No is 1432/1989 and as per

28-03-2017

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direction of that court, measurement of that land was done by survey knowing Advocate commissioner. However, op tried to erect wall in land of applicant, so proceeding U/S 107 of crpc was initiated and its case No. is 577/15 and this case is still continuing between both the parties. However, land dispute can not be resolved U/S 107 of crpc, so the case has been filed in this court. Learned advocate while arguing in court informed that dispute was later converted U/S 145 crpc where both the parties mutually agreed but need of proceeding U/S 107 of crpc arose in year 2016. Learned advocate refuted the claim of op based on order passed U/S 145 of crpc and said that applicant doesn't accept that order as it was based on "panchayati dated 15.11.1991. so learned advocate pleaded for measurement & demarcation of disputed land by any survey knowing advocate commissioner, if found dispossessed then his land should be restored to applicant.

Learned advocate of opposite parties submitted that applicant has filed the case on concocted facts. He said that in khata-270, plot No-693, rakwa shown by applicant is 19 desimals but share of applicant is only  $6\frac{1}{4}$  desimals. He said that applicant's mother mosmat Ramkunwar w/o Mosafir Mahto had purchased  $12\frac{1}{2}$  desimals of land through kewala document No-457 dated 12.01.1948, however two brothers has already partitioned that land. Further, present boundary of mentioned land is north-12 kurry chaura p.c.c. Rasta, south- Ram jeevan singh ka Makan, East-Suraj Dev singh & sudeep Thakur &

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others, west-Sita Ram singh. However, in North of p.c.c. Road, land of op exists on which he has residential complex. Further, in relation to khata-253 plot-685 Rakwa-05 desimal is concern, it was purchased by mosafir singh, father of applicant on 11.06.1948 and this area is also partitioned between two brothers and boundary given by applicant in plaint doesn't match with spot. Further, in west of this plot is land of op which comprises an area of  $11\frac{1}{2}$  desimals in khata-249, plotNo-686. He said this area of land was purchased by op's father and it has been partitioned into two parts between op's brother but applicant has not made party to op's brother namely shyam Narain singh. Learned advocate alleged that applicant's case suffers from non-joinder of parties and area shown in plaint is more than his share. Further, all concerning parties had agreed on measurement report in case U/S 145 of crpc and accordingly they are in possession of that land. He informed that proceeding U/S 107 of crpc was initiated on that land but no order was passed due to lapse of time. Learned advocate alleged that applicant has filed the case to grab the land of op though no dispute exists at spot. He also talked of 'panchnama' prepared by village "Panches" and finally pleaded for rejection of claim and dismissal of the case.

Heard the learned advocate of both the parties & perused the documents available on record. Applicant has submitted kewala, revenue receipt & report of Advocate commissioner namely sarjoo Prasad sinha and opposite parties has submitted kewalas. After looking the

*Op*

|     |     |      |  |
|-----|-----|------|--|
| 322 | 153 | 0-09 | N-Ujjwal Singh.<br>S-Ram Uday Singh.<br>E-Sarak.<br>W-Niz.     |
| 322 | 153 | 0-09 | N-Ram Uday Singh.<br>S-Ram Awatar Singh.<br>E-Sarak.<br>W-Niz. |
| 322 | 153 | 0-09 | N-Ram Awatar Singh.<br>S-Ramanand Singh.<br>E-Sarak.<br>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 Majorwa" land but it is raiyati 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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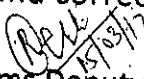
paswan has constructed their indira Awas by utilizing the govt money where as in disputed khata & khesra, Late Raja paswan s/o Late Bipat paswan & Ganesh paswan s/o Late Raja paswan has also been allotted indira Awas but they have not been made party in this case. Learned advocate mentions in written 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

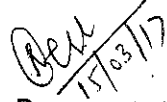
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land, applicants should have verified the possession of their vendor at spot. He said that op is not in boundary of applicants and claimed that in disputed khata & khesra, hundreds of persons have constructed their residential houses but applicants 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.

