

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. 97/ 2015-16

Phekan Das- applicant

Vrs.

Surendra Bind- opposite parties

Present- Rakesh Kumar, DCLR

Advocate of applicant

1. Sri Ram Vinay Ram.

Advocate of opposite parties.

1. Sri Arun Kumar.

### ORDER

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

#### Schedule

Khata	Plot No	Rakwa	Boundary
169	995	12 Kurry (Rasta)	N- Surendra Bind. S- Chandeshar Bind. E- Phekan Das & Ram Prasad. W- Chhour.

Mauza- Gauhra Tola- Chirari Bigha, Anchal+P.S.-Kurtha, Dist-Arwal.

The learned advocate of applicant submitted that in mentioned khata & khesra of schedule an area of 19 desimal was purchased by all his five brothers including applicant. Further, in addition to it an area of 12 kurry was also purchased by them for passage which has been approved by learned sarpanch of Gram kutchhary Dhamaul as "Nizi Rasta" i.e. private passage of applicant. Learned advocate alleged that opposite party is trying to open the door of his house to wards the mentioned land in schedule, in fact opposite party has not leaved even an inch of his land prior to making his

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house. He alleged that opposite party is harassing the applicants as they are from weaker section of society. So learned advocate pleaded for measurement & demarcation of land mentioned in schedule.

The learned advocate of opposite party submitted that disputed land has been already measured and demarcated by an order of circle officer, Kurtha through letter No.- 36 dated 15.01.2015 and accordingly report was submitted by Anchal Amin. So as per report applicants are in possession of an area of 20.970 desimal though in kewala of applicants including all five brothers has purchased only 19 desimals. Further, in western side of mentioned plot is land of Teemal Bind comprising an area of 03 katthas and in northern side of Teemal Bind is passage comprising 12 kurry and this passage (Rasta) is existing prior to purchase of land by applicant. Learned advocate alleged that applicant is trying to fence the common passage by considering it to be private land. Learned advocate said that applicants had earlier encroached the land mentioned in schedule about which an application was given to S.H.O. Kurtha and later applicant's removed encroachment under pressure of co- villagers. Learned advocate in forms that if the mentioned land is allowed to be sieged then opposite parties & others will have no way to reach to road. Learned advocate while arguing in court, mentioned about a case filed under schedule caste atrocities Act against opposite party. He alleged that applicants are bent upon to harass the opposite party by filing such false cases and pleaded for dismissal of this case.

Heard the learned advocate of both the parties

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& perused the documents available on record. Applicant has submitted kewala where as opposite party has submitted measurement report of Anchal Amin, an application given to S.H.O. Kurtha by co-villagers, signed by 48 persons against the act of applicant who had tried to encroach the mentioned land. After looking the documents it is found that Anchal Amin Kurtha Sri R. Kumar has done good job by mentioning facts related to disputed land. In kewala it is clearly mentioned that schedule land is 'passage' existing prior to date of purchase which can used by purchasers i.e. applicants also. So applicant is unnecessarily claiming the said land, in fact land mentioned in schedule is common land which is being used as way of passage by opposite parties also. Thus, applicant has no personal right over that land and they can not fence or encroach the land mentioned in schedule. So applicants are being strictly warned not to encroach the said land other wise administrative authorities has full right to take action against them as per law. Finally, relief sought by applicant is rejected and case is dismissed.

Dictated and corrected

  
Land Reforms Deputy Collector  
Arwal

  
Land Reforms Deputy Collector  
Arwal.

