

आदेश की क्रम
संख्या और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई
कारवाई के बारे में
टिप्पणी तारीख के
साथ

16-11-2016

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

Case No. 92/ 2015-16

Sabita Devi- applicant

Vrs.

Bhola Yadav- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri . Vidya Sagar Singh.

Learned Advocate of opposite parties

1. Sri . Ram Dayal Pandey.

ORDER

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

Schedule

Khata	Khesra	Area A- D	Boundary
90	1105	0- 3.125	N-Jagdish Yadav. S-Baij Nath Yadav & Others E-Aahar. W- Kharidar.

Mauza- Bara, P.S.-Kurtha, Anchal- Kurtha, Dist-Arwal

The learned advocate of applicant submitted that sabita Devi w/o Mantan Yadav & Anuradha Devi w/o Bhuttar Yadav had purchased the land from Chinta Devi w/o Late Binesh Yadav through kewala No- 5044 dated 23.11.2013 and accordingly land was mutated and rent is being paid by her to govt. Learned advocate submitted the Geneological Table of vendor and said that Late Ramphal Yadav had two sons namely Late Pachkauri Yadav & Late Radhey Yadav. The Late Pachkauri had three sons namely BaijNath Yadav, Late

(Signature)

Ram Nath Yadav (Youngest Son) and Late Jagannath Yadav (Eldest Son). Further, Baij Nath Yadav has three sons namely Bhola Yadav (opposite Party), Late Binesh Yadav H/o Chinta Devi and Late Mithilesh Yadav where as Late Ram Nath Yadav has two sons namely Bhuttar Yadav @ Ghutar Yadav H/o Anuradha Devi (applicant No.-02) and Mantan Yadav H/o Sabita Devi (applicant No. 01). Learned advocate further submitted that partition had already taken place among three sons of Baij Nath Yadav and accordingly Chinta Devi sold her share of land to applicants and her father in law namely Baij Nath Yadav is a witness in that kewala. Learned advocate said that applicants were in possession of that land but this year, opposite party has broken the ridge and by force has occupied the land of applicant. He said that applicant's husbands lives out of village for livelihood, so they have become helpless at spot. Learned advocate said that khatiani land of 02 katthas and purchased land of 04 katthas to gether 06 katthas of land was of Baij Nath Yadav which after partition as share of Chinta Devi came to be 02 katthas and out of which $3\frac{1}{4}$ desimal has been sold to applicants. Learned advocate alleged that the opposite party namely Bhola Yadav is trying to capture the land sold by Chinta Devi in exchange of his share of land, received in partition among family members and this has led to tension at spot. So learned advocate pleaded for measurement and demarcation of land of applicants and accordingly restoration of dispossessed land.

Learned advocate of opposite party submitted that land mentioned in schedule is ancestral property

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of opposite party which was partitioned into three parts by panches on 20.01.2007 and accordingly they are in possession over that land. Learned advocate said that in disputed land Northern part was allotted to Bhola Yadav, Middle portion to Manju Devi w/o Late Mithilesh Yadav and Southern portion to Chinta Devi. Learned advocate said that Chinta Devi is illiterate lady and applicants plotted conspiracy and by Misguiding her, they have purchased the land of Bhola Yadav (opposite party). So learned advocate pleaded for measurement & demarcation of land based on partition document.

Heard the learned advocate of both the parties and accordingly learned advocate commissioner Sri Vashishtha Narain was given direction to measure and demarcate the areas of concerning parties. This advocate commissioner submitted the report on 02.08.2016. However, learned advocates argued on measurement report and based on that applicant pleaded for approval of report. Learned advocate said that Baij Nath Yadav is father in law of Chinta Devi and he has retired from coaliaary & is witness in that kewala, So it can not be challenged by his another son. He said that at the time of kewala, Chinta Devi was in need of Money as she was to marry her daughter, so on advice of Baij Nath Yadav, she sold the land. Learned advocate said that opposite party didn't object when mutation was being done by circle officer and challenged to produce any authentic document related to partition in family. He alleged that opposite party is unnecessarily harassing the applicant, so this court should reject the objection raised by opposite party which is based on

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self made stories and pleaded for relief as per report of advocate commissioner. Learned advocate of opposite party said that applicants has not made party to boundary persons like Jagdish Yadav & Baij Nath Yadav and considers it to be a case of Title. He said that opposite party has filed a case No- 109/16 dated 12.07.16 in P.S. Kurtha against applicants which is under investigation and pleaded for dismissal of the case. After listioning both the parties, it is found that applicants has submitted kewala in which Baij Nath is witness and his daughter in law Chinta Devi is vendor of applicants. Applicants has also submitted revenue receipts which is in record. However, opposite party has submitted written argument, a photo copy of complaint case No-106/2016 filed in court of learned CJM, Arwal in April 2016 against applicants which has been sent for investigation to S.H.O. Kurtha, Dist-Arwal, a document related to partition & rulings of Honourable High Court, Patna. After looking the documents it can be said that applicants has filed the case in this court on 1 st of December 2015, it seems that there after opposite party has forged the documents related to partition in collusion with few villagers & public representative. Further, applicants statement has merit that while mutating the said land, opposite party didn't object in circle office. It is found that vendor of land is own 'Bhabhi' of opposite party and purchaser are own cousion's wives and in kewala, father of opposite party is witness. So it seems that dispute has arises in family, within a year as prior to it, as per report of advocate commissioner, applicants were in possession of that land and later on opposite

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party has broken the southern sidge. So this court can not go by the statement of opposite party, infact opposite party should file case in competent civil court for cancellation of kewala of applicants based on so called partition document. So this court directs both the parties to abide by measurement report of learned advocate commissioner till the kewala of applicants are cancelled by any competent court.

Dictated and corrected

Arwal
26/11/26

Land Reforms Deputy Collector
Arwal

Arwal
26/11/26

Land Reforms Deputy Collector
Arwal.

