

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. 166/ 2014-15

Somwati Devi - applicant

Vrs.

Radhey Shyam Singh & others –opposite party

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri .Bali Ram Pathak.

Learned Advocate of opposite parties

1. Sri.Anil Sharma.

2. Sri . Ram Uday Upadhyay.

ORDER

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

Schedule

Khata	Khesra	Area A-D	Boundary
254 52	3041 <u>1550</u> 2297	0-22 $\frac{1}{2}$	N- Tripurai Singh (Karha bad) S- Bachchu singh & Purchaser. E- Jani Ram Singh. W-Bhudev Tewari & Dudheshwar Tewari.

Mauza-Amra, Tola- Babhan Bigha, P.S.-Parasi, Anchal+Dist- Arwal.

Learned advocate of applicant submitted that land mentioned in schedule was purchased by applicant through kewala No- 454 dated 06.02.2014 from Sita Ram Singh s/o Late Nathuni Singh (opposite party 02), the elder brother of Radhey Shayam Singh (opposite party-01). Learned advocate stated that as per partition among brothers, of her vendor, land mentioned in schedule was of Sita Ram singh and he had peaceful possession over it and accordingly land was handed over to applicant. Learned advocate informed that land possession certificate & revenue receipts were issued to her

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12-09-2016

vendor then only applicant purchased it and on that basis circle office mutated the land on name of applicant. So learned advocate wants declaration of right and possession over the land mentioned in schedule. Learned advocate in court said that in kewala of applicant, one of the six brothers of opposite party namely Sharda Prasad singh is witness and informed that in part area of purchased land, opposite party namely Radhe Shyam singh has dispossessed applicant. Learned advocate said that vendor had purchased the said land from his own income & in his name, so he had full right to sale the land. Learned advocate refuted the claim of opposiste party first that partition in family had taken place in presence of a person namely Rudal Yadav of village pipar Dahan, P.S. Paliganj, Patna and claimed that a false affidavit has been filed in court by opposite party first. Learned advocate said that partition in family was held prior to his purchase of land and it was on basis of " khangī Dedh Bandi " among brothers of opposite parties. Learned advocate said that opposite party first has no right & title over the land. If opposite party wants right over the land of opposite party 02 then he should have filed the case in civil court. So learned advocate pleaded for declaration of right & a direction to circle officer for restoring the land to applicant.

Learned advocate of opposite party Sri Anil Sharma submitted on behalf of Radhey Shyam Singh (opposite party-01) that land mentioned in schedule is joint property of family though purchased in name of elder brother of opposite party 02. Learned advocate stated that opposite parties are six brothers and they had partitioned the land on basis of "Khangī Dyorh Bandī" and accordingly they are in possession of their share of land. He said that partition was done in presence of one Rudal Yadav of paliganj and others panches in year 2002. So this opposite party had received the disputed land as share and right from that time, this opposite party has been cultivating the land. Learned advocate said that opposite party 02 sold the land to applicant on 06.02.2014 then a leagal notice dated 28.10.2014 was sent to this opposite party by applicant

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and accordingly this opposite party replied through his advocate on 13.11.2014. Learned advocate said that in area of 04 katthas opposite party has been cultivating & in remaining area applicant is harvesting the crop. Learned advocate emphatically said that at spot enquiry can be done and truth can be known from boundary persons. He also pointed out that then DCLR had heard this case and record was kept for local inspection but in mean time he was transferred. Learned advocate also pointed out a case No- 29/2015 between opposite party 01 & opposite party 02 to prove that a complex land dispute exists between opposite parties and this case is also result of that family dispute. Learned advocate said that demand of purchased land of joint family exists on name of elder brother Sita Ram singh (opposite party 02) but demand of khatiani land of joint family exists in name of their grand father Raghu Nandan singh. Learned advocate while arguing in court said that half of land mentioned schedule i.e. 04 katthas is in possession of this opposite party but unnecessarily whole area was registered to applicant which has made the situation volatile at spot. He emphatically said that crops in that area is sown and harvested by this opposite party. Learned advocate pleaded for dismissal of the case.

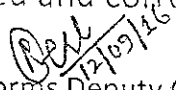
Learned advocate of Sri Sita Ram Singh (opposite party 02) has submitted written statement and has stated that opposite party has registered the land mentioned in schedule to applicant. He writes that opposite party is retired teacher and disputed land is self earned property which he had purchased through hard earned Money. Further, ancestral property of family was partitioned prior to year 1981 and its proof is "khangi Batwara" signed by all five brothers dated 21.10.2008. He said that in self earned property, no one claim his right, he alleged that affidavit filed by opposite party 01 is false & fabricated with out any truth. Learned advocate informed that Sita Ram Singh (opposite party 02) is an old but educated person and he has no son, so opposite party 01 is trying to take advantage of situation. He accepts that he has

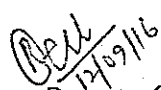
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registered the disputed land to applicant and wants relief to be given to applicant as per her plaint.

Heard the learned advocate of concerning parties & perused the documents available on record. Applicant has submitted kewala, L.P.C. issued by circle office to Sita Ram Singh, the vendor of applicant showing the disputed land, revenue receipt, copy of an application filed by applicant's Husband Sri Parshu Ram Panday U/S144 of crpc to honourable SDM, Arwal and a report related to disputed land to SDM, Arwal by S.H.O. parasi, Dist- Arwal and a written arguments where as opposite party first, has submitted written argument, an affidavit dated 31.03.2015 to show that disputed land is part of joint family property, a notice under T.S.-29/15 & copy of plaint though applicant claimed while arguing that disputed land is not the part of this title suit, After looking these documents, it is found that applicant has sought only one relief i.e. declaration of right over land mentioned in schedule. The learned advocate of applicant is possibly aware that declaring right over the land is beyond jurisdiction of this court. So applicant may seek remedy any competent court.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.