

आदेश की कग
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. 03/ 2015-16

Ram Dulari Devi & others- applicant

Vrs.

Ram Swaroop Singh & others- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri Bashishta Narain.

2. Sri Binod kumar.

Learned Advocate of opposite parties

1. Md. Afsar Imam.

2. Sri Nand Kishor Sharma.

3. Sri. Ramesh Prasad Singh.

ORDER

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

Schedule

Khata	Plot No.	Rakwa A- D	Boundary
76	466	2-35	N-Sahdev Yadav. S-Mundrika Yadav. E-Chattan Yadav. W- Ram Sharma.

Village- Mahrauli, P.S.-Parasi, Anchal- Kaler, Dist-Arwal

The learned advocate of applicant submitted on behalf of Ram Dulari Devi w/o Krishana singh & Prabhavati Devi w/o Kamaldev singh that both the parties is progeny of common ancestor namely Late Shahrui yadav who had four sons namely Late Seth yadav, Late Shiv Narain singh, Ramanand singh & Late Ganesh yadav. However Late Seth yadav had four sons

(Signature)

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namely Ram swaroop singh (opposite party-01), Ram Bhawan singh (opposite party-02), Birendra singh (opposite party-03) and Ravindra singh (opposite party-04). Further, Late Shiv Narain singh has two daughters only and they are the applicants where as Rama Nand singh (opposite party-05) has three sons namely Jitendra singh, Sajindra singh & Amit kumar and Late Ganesh yadav has three sons namely Santosh kumar (opposite party-06), Amrendra kumar (opposite party-07) and Devendra kumar (opposite party- 08). Learned advocate informed that seth yadav s/o shahru yadav had received the land mentioned in schedule in 1975 from Bihar Bhoodan Yagna Committee and during life time of seth yadav, his other three brother had partitioned the all joint property along with said land and accordingly concerning parties has possession over their share of land. Learned advocate said that applicants has no own brothers, so they are in possession of the land which came into share of her parents. Learned advocate further informed that in land mentioned in schedule, different varieties of trees were planted jointly, so it is joint family property. However, he alleged that opposite party 01 to opposite party 04 has cut few trees and has sold it but they have not given share to applicants. when asked for it then they not only refused to pay but also threatened to dispossess applicants as land was allotted in name of their father. So learned advocate pleaded for

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declaration of right in 1/4 th of land mentioned in schedule after measurement & demarcation in favour of applicants as well as injunction in cutting trees and dispossession from said land.

Learned advocate sri Ramesh Prasad Singh has submitted written statement on behalf of opposite party 01 to 04 that their father had received the land mentioned in schedule from Bhoodan Yagna Committee via Bhoodan Parcha No- 90352 dated 22.01.1975 in two parts, so other brothers of his father has no right to claim over this land nor they have possession over it. Learned advocate states that partition among his father's brothers are acceptable to them but excluding the land received as 'Bhoodan' as this land is not only in name of his father but they have also made it agriculturable and in its half of area, varieties of trees has been planted by them. Learned advocate said that applicants parents never claimed the disputed land and applicants after marriage lived in "Sasural", so how can they now claim this land. Learned advocate said that these opposite parties had cut the Dead trees but unnecessarily applicants alleged against them of cutting living trees in circle office, kaler. Learned advocate said that applicants has no right to get relief from this court until they gets title in said land from competent court and so pleaded for dismissal of the case.

Learned advocate sri Nand Kishor Sharma has

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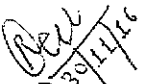
submitted written statement on behalf of opposite party No-5 to 8 and has supported the statements given in plaint by applicants. He said that "Bhoodan Parcha" was issued in name of Late seth yadav, the father of opposite party 01 to 04 because he was eldest among brothers and also head of family. Further, from joint family income, other landed plots were also purchased and partition in family had taken place during life time of Late seth yadav which included land mentioned in schedule. So learned advocate also pleaded for measurement demarcation of disputed land in to four parts as well as declaration of right as per their share.

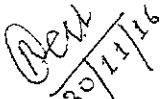
Heard the learned advocate of concerning parties and perused the documents available on records. Applicants has submitted "Parcha" issued by Bhoodan Yogna Committee in name of Seth Yadav and opposite parties has submitted kewalas in name of seth Yadav & kabutari Devi w/o Shiv Narain Yadav. Further, there is enquiry report of circle officer kaler in record which was submitted as per direction of this court and in its report, circle officer considers it to be matter of Title and has advised applicants to file case in any competent court. However, after looking documents it can be said that opposite parties 01 to 04 claims only Bhoodan land mentioned in schedule and not the kewala land which is also in name of his father. So it seems that all concerning parties has possession as per

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oral partition but there is no documentary proof to prove that in schedule land, trees were jointly planted by ancestor of both the parties. Further, relief sought by applicant for declaration of right as well as demarcating the disputed land into four parts which is in name of Late Seth yadav, father of opposite party 01 to 04 is beyond jurisdiction of this court. So grieved parties can seek remedy in any competent civil court as issues involved seems to be related to partition and title. Thus, claim of applicant is rejected and case is dismissed.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

