

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. 34/ 2016-17

Shivchandra Ram- applicant

Vrs.

Hanuman Das & others- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri. Omprakash Sharma.

2. Sri. Vinod Kumar.

Learned Advocate of opposite parties

1. Sri. Arvind Kumar.

2. Sri. Arun Kumar.

3. Sri. Satish Kumar.

ORDER

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

Schedule

Khata	Plot No.	Area A- D	Boundary
64/57	555/135	0-09	N-Chandeshwar Singh. S- Sarak. E- Makan Raghuvir Mochi & Ganauri Mochi. W- Ramadhar Singh.

Mauza- Makhdumabad, P.S.-Parasi, Anchal+ Dist-Arwal.

The learned advocate of applicant submitted that land mentioned in schedule was purchased by applicant's father namely Raj Nandan Mochi S/o Shiv Deni Mochi through registered kewala and they have possession over that land. Learned advocate informed that opposite parties namely Hanuman Das (op-01), Laxman Ram (op-02), Laxhan Dev Ram (op-03) all S/o Late Raghuvir Ram, Babban Ram S/o Late Sarjun Ram

31-01-2017

(Signature)

wants to encroach his land from eastern side of mentioned land. So the applicant gave an application for measurement to circle officer and as per direction, Anchal Amin measured and demarcated the disputed land on 13.07.2016. However, learned advocate alleged that Anchal Amin has wrongly demarcated an area of 06 kurry x 160 kurry of area by cutting the ridge between the parties in collusion with opposite parties and said that this area of land is of applicant as opposite parties has possession over plot No- 140. He specifically said that dispute is between eastern side of plot No-555/135 which is of applicant and western side of plot No- 140 which is of op. So learned advocate pleaded for measurement of that land by this court by appointing any of the survey knowing advocate commissioner. Learned advocate while arguing in court said that report of Anchal Amin is vague and pleaded for measurement as per kewala and if any dispossession is found then it should be restored to applicant.

Learned advocate of opposite parties submitted that applicant has filed the case to create pressure on op for grabbing, part of area of plot No. 140 in which they have residential houses. Learned advocate said that applicant has wrongly mentioned the boundary as in southern side road is shown by applicant but it is vacant plot of plot 134 as it is clear from kewala of Premni Devi w/o Hanuman Das (op-01) dated 08.12.2005. He informed that applicant's father had purchased the disputed from mahraj Singh on 23.05.1979 and in that kewala area mentioned is $8\frac{1}{2}$ desimal but applicant is unnecessarily claiming an area of 09 desimals. Learned advocate said that on


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application of applicant, learned circle officer Arwal had directed Anchal Amin through letter No.-654 dated 21.06.16 in measurement case No.-19/2016-2017 for measuring the disputed land and accordingly Anchal Amin submitted the report and he found that land of part of plot No-140 & plot No-135 are inter colliding and applicant has encroached about on area of six kurry of op. So he pleaded for rejection of claim of applicant and dismissal of the case with cost.

Heard the learned advocates of both the parties & perused the documents available on record. Applicant has submitted kewala, revenue receipt & report of Anchal Amin where as op has submitted photo copy of Amin report & khatiyā & documents of form Bandobasti Bakasht Gair Mazurwa. After looking the documents it is found that in kewala of applicant area mentioned in 09 dismal but it is clearly mentioned that by measurement it is $8\frac{1}{2}$ desimal. So as per report of Anchal Amin applicant is in possession of 8480 sq kurry of land which is almost $8\frac{1}{2}$ desimal. So this court can not direct for remeasurement as per relief sought by applicant. So both the parties should follow the measurement report submitted by Anchal Amin Arwal.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

