

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. 18/ 2016-17

Sugapati Devi & others- applicant
Vrs.

Anant Yadav & others- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri Lallan Kumar.

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-01

Khata	Plot No.	Rakwa A- D	Boundary
380	847	0-1.25	N- Surendra Prasad Gupta. S- Kharidar. E- Shiv Narain Chaurasia. W- Anant Singh.

Schedule-02

Khata	Plot No.	Rakwa A- D	Boundary
380	847	0-2.5	N- Rajendra Sao. S- Surendra Prasad Gupta. E- Pachkodi Sao & Chandradev Singh. W- Anant Singh.

Schedule-03

Khata	Plot	Area A-D	Boundary
380	847	0-01	N- Surendra Sao. S- Gali. E- Ram Chandra Tamoli. W- Plot No-848.

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29-12-2016

380	847	0-01	N- Chamru Sao. S- Surendra Sao. E- Prasad Sao & Others. W- Heera Sao.
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Schedule-04

Khata	Plot	Area A-D	Boundary
-	846	0-04	N- Shiv Shanker Mistri. S- Niz. E- Bandhu Teli. W- Mosmat Banwasi Kunwar or Panwaso kunwar Hal Ram Dahal Misir.
-	847	0-09	N- Niz. S- Shiva Devi. E- Sukan Haiwai. W- Rama Nand Misir.

All the schedule is situated at Mauza- Dharampur, P.S.- Kurtha, Anchal-Bansi, Dist-Arwal. Learned advocate of applicant submitted that land mentioned in schedule-01 was purchased by applicant Sugapati Devi w/o Rajnandan Yadav and land of schedule-02 was purchased by another applicant namely Sonpari Devi w/o Surendra Prasad Gupta. The vendor of both the applicants is Sanjay Kumar Dubey S/o Late Keshav Chandra Dubey of Amra Tola, P.S.-Parasi, Dist-Arwal and it was purchased through kewala dated 11.07.2015. Learned advocate further submitted that land mentioned in schedule was purchased by grand mother of applicant's vendor namely Ganga Jali Devi which was sold to them and there after applicant's are in peaceful possession of Home stead land. Learned advocate in forms in written argument that Ganga Jali Devi w/o Sushil Dwedi had

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two sons namely Late Bharat Dubey and Late keshav Chandra Dubey. However, Late Bharat Dubey had three sons namely Anjani Dubey, Mangal Dubey and Anil Dubey. Where as Late Keshav Chanda Dubey had only son Sanjay Dubey, the vendor of applicants. He also informs that Ganga Jali Devi had purchased the land from Laxman ojha on 06.04.1939 in khata-380. plot No- 847 Area-09 desimals, in khata-359, plot No-848 area-06 desimals, in khata-371, plot No-846, area-04 desimals. It is further stated that Ganga Jali Devi had sold an area of $1\frac{1}{4}$ desimals in khata-380, plot No- 847 in year 1965. She also sold in same khata & plot an area of 04 desimals to Sita Ram Sao. Further, in khata-371, plot-846 an area of 04 desimals were sold to Chamru Sao by Ganga Jali Devi. Learned advocate said that it is clear that Ganga Jali sold total area of $9\frac{1}{4}$ desimals and remaining area in her ownership is $9\frac{3}{4}$ desimals (Quarter to Ten) , which is to be partitioned in to two parts as she has two sons. Learned advocate alleged that opposite party has purchased more than share of his vendor namely Late Bharat Dubey. He also alleged that opposite parties had aggressively broken the ridge of applicant and due to this proceeding u/s 144 of crpc was intiated in case No- 86/2016 by learned SDM Arwal on recommendation of S.H.O. Kurtha but order could not be passed as it was barred by limitation of time. Learned advocate also quoted Laxman Ojha, the vendor of Ganga Jali Devi who had given an application to land consolidation officer

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on 15.03.1975 in favour of purchaser for entry of her name in khatiyani. Learned advocate while arguing in court alleged that opposite party is lawyer at Gaya, so he always disturbs the applicants. He said that facts mentioned in plaint clearly shows that dispute can be resolved by measurement & demarcating the areas of applicant and also prayed for injunction against opposite party who are trying to construct on disputed land.

Learned advocate of opposite party submitted on behalf of Anant Yadav (op-01)s/o Late Bifan Yadav & Manoj Kumar s/o Anant Yadav (op-02) that opposite party 2nd is himself a practicing lawyer in civil court, Gaya & is peace loving person. He alleged that applicants are litigant and aggressive persons. He said that opposite parties has purchased the land on 07.06.2001 where as applicants has purchased the same land on 11.07.2015 and vendors of both the parties are from same lineage as mentioned by applicants in plaint. Learned advocate informed that after purchase op has got the land mutated and is in peaceful possession by constructing a house in one part of the land and in another part is used as passage by them. He has given details of his land which is mentioned in schedule-03 Learned advocate claims that vendor of op namely Ram Bharat Dubey had received the land as share after partition in joint his family. He stated that Ganga Jali Devi had sold $1\frac{1}{4}$ desimals to Sita Ram Sao in khata-380, plot No-847 which is fenced at spot. She also sold an area of 03 desimal to Late Musafir Sao in same

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khata & plot and this area of land i.e. 03 desimal and another 01 desomal i.e. 04 desimal is being claimed by Raj Nandan Yadav H/o Sugapati Devi (applicant) that they have purchased it but kewala is not being shown by them. Learned advocate mentions that " Panchayati" on 05.05.2013 was held in village in which both the parties as well as panches had signed on paper by which Amin had measured & demarcated the areas of both the parties. However, applicant Raj Nandan Yadav erected the wall in southern side & to wards eastern side digged a pit and filed a case No--468/2015 in court of SDM, Arwal u/s 147 of crpc alleging that op is creating hindrance at spot. Further, in said case, applicant has mentioned that in Northern boundary is Manoj Kumar (op) and now applicants are claiming to have purchased it. Learned advocate in forms that in connection to proceeding u/s 147 of crpc, circle officer Bansi has reported that op has possession over the disputed land. He also quoted the report of A.S.I. Ram Udar Yadav dated 07.08.2015 and said that a khata, consists of many plots but here it an unique example that a plot consists of many khatas. Learned advocate said that op had given applications to DIG & C.M. Janta Darbar and in this connection enquiry reports of SI Rajeev Ranjan Kumar of P.S. Kurtha & C.O. Bansi came to notice and these reports are in favour op. Learned advocate emphatically said that neither applicants nor their vendor had possession over the disputed land. Finally, learned advocate consider it to be

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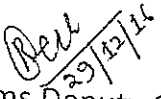
case related title and pleads for dismissal of the case.

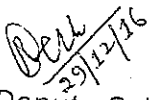
Heard the learned advocate of both the parties & perused the documents available on record. Applicant has submitted kewalas where as opposite parties has submitted kewala, photo state copy of paper in which panches has signature, Enquiry report of honourable SP, Arwal given to honourable DIG, Magadh, copy of case No-468 filed u/s 147 of crpc, reports KC & C.O. application given to C.M. Janta Darbar by op, Rulings of honourable High court, Patna. After looking the documents it is found that Nawal Kishor Prasad Sinha, Halka Karamchari, Chamondi has reported that plot No-846 & 849 is of op but writes that khata-08 related to plots 846 & 849 is wrongly mentioned. Further, both the parties claims that their vendor has sold his share of land to them. However, op is silent over the description of land given by applicant in relation to Ganga Jali Devi. So first of all it is to be decided whether Ganga Jali Devi and her progeny had equally partitioned their land and how much area of disputed land came in to share of their vendors. Further, after looking the documents it seems that at present op has possession over the disputed land but applicants may be right in claiming that vendor of op has sold more than his share. Applicant has submitted kewala which is in name of Ganga Jali Devi. After looking the documents it is found that in name of Ganga Jali land mentioned in schedule-04 exists. since, op has not submitted any document related to

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plot No-848, it is difficult to verify whether this plot of land was in name of Gangajali Devi or not ? So it seems that land comprising an area of 06 desimal in plot No-848 has been registered to op by lineage of Gangajali Devi with out any valid document. Further, rough estimate shows that op has purchased more than share of his vendor in his family though document produced by applicant may not have legal validity but applicants have social & moral authority in their favour. Further, if the kewala related to plot-848 and its area of land mentioned is not of Gangajali Devi, as argued by applicants in court is true then they should file case for its cancellation in civil court. Finally issues involved in this case is beyond jurisdiction of this court, so concerning parties should file case in competent civil court and this court directs opposite parties especially sri Manoj Kumar (op-02) not to misuse his professional dignity at spot. He should always remember that he is practicing learned advocate of a court, so no construction or disturbances should be created at spot till the any competent court decides on the issues raised by applicants.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

