

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ								
17-05-2017	<p style="text-align: center;"><b>In The Court Of: Land Reforms Deputy Collector, Arwal.</b>  <b><u>Case No. 52/ 2016-17</u></b>  <b>Bhushan Singh- applicant</b>  <b>Vrs.</b>  <b>Mohit Singh &amp; Others– opposite parties</b>  <b>Present- Rakesh Kumar,DCLR</b>  <b><u>Learned Advocate of applicant</u></b>  <b>1. Sri . Ramesh Prasad Singh.</b>  <b><u>Learned Advocate of opposite parties</u></b>  <b>1. Sri . Gauri Shankar Mishra.</b></p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;"><b>Schedule</b></p> <table border="1" data-bbox="268 1055 1251 1373"> <thead> <tr> <th>Khata</th> <th>Khesra</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>303</td> <td>3005</td> <td>0-39</td> <td>N-Sarak. S-Ramesh Ram. E-Nahar Patri. W- Makan of opposite party.</td> </tr> </tbody> </table> <p>Mauza+P.S.+Po+Anchal-Kaler, Dist-Arwal.</p> <p>The learned advocate of applicant submitted that land mentioned in schedule is raiyati land of applicant and they are paying rent to govt of Bihar and revenue receipts has been issued to them. He informed that in south western portion of land mentimed in schedule is land of opposite parties. Learned advocate alleged that opposite parties has been creating dispute at boundary</p>	Khata	Khesra	Area A- D	Boundary	303	3005	0-39	N-Sarak. S-Ramesh Ram. E-Nahar Patri. W- Makan of opposite party.	
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*Arwal*

and in this sequence on 04.12.2016, op started digging pit for Latrin Tank, so to stop blood shed at spot, proceeding U/S 144 of crpc was initiated in court of learned SDM, Arwal. Learned advocate while arguing in court said that disputed land was settled to applicant by district Board in 1921 and as per B.T.Act, if settlee is paying rent then it comes under the category of raiyat. Further, PWD has also given compensation to applicant which proves it is raiyati land. Learned advocate opposed the statement of op that disputed land is a govt land as statement is based on Revisional survey which is not final in that village. He also accepted the statement of op that under encroachment Act order was passed against applicant but informed that he has filed an appeal in court of honourable DM, Arwal. So the order of lower court is not valid till decision is approved by superior court. Learned advocate emphatically said that until disputed land is proved to be land of Govt of Bihar till then applicant has full right over that land. While replying to allegation of op that applicant has wrongly mentioned the name of his father, learned advocate said that Rajendra singh, his uncle has adopted him as son. so learned advocate pleaded for measurement & demarcation of land mentioned in schedule by any survey knowing advocate commissioner, if land of applicant is found to be dispossessed then it should be restored to applicant.

The learned advocate of opposite party submitted

*OPW*

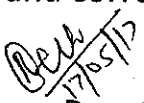
on behalf of Mohit singh s/o Late Laxmi singh (op1) and Kavindra singh s/o Mohit singh (op2) that applicant has wrongly mentioned the name of his father as Late Rajendra singh though in voter list name of father is shown as Tez Narain singh. Learned advocate submitted that in old khatiyā, disputed land is shown as land of " District Board" where as in new khatiyā it is mentioned as " Anabad Bihar sarkar". Learned advocate further submitted that Mohit singh (op1) had filed a miscellaneous case No-13/2008 Mohit vrs Rajendra singh alias Bachchu singh in court of learned SDM, Arwal for making said govt land, free from encroachment. He said that in above mentioned case, learned SDM has found it to be govt land has directed circle officer kaler to initiate proceeding under public land encroachment Act for making Govt land free from encroachment. Learned advocate agreed to statement of applicant that he has gone in appeal but he was of view that until superior court rejects the order of lower court till then it is Govt land. Learned advocate claimed that applicant has no right & title on disputed land. He alleged that in name of " settlement of district Board land" applicant is trying to grab the govt land. Finally, learned advocate pleaded for rejection of claim of applicant & dismissal of the case.


Heard the learned advocate of both the parties and perused the documents available on record. Applicant has submitted a document related to partition in which

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they have applied for mutation in circle office as per that document, revenue receipts & other related documents, Where as opposite party has submitted order of learned SDM court, Arwal, khatiyar etc. so after looking these documents it can be said that learned SDM, Arwal seems to have correctly passed the order in relation to disputed land and has already given direction to circle officer, kaler. Further, applicant has gone in appeal against the order of SDM, Arwal, so in such a situation, this court can not give any relief to applicant. The claim is rejected and case is dismissed.

Dictated and corrected

  
Land Reforms Deputy Collector  
Arwal

  
Land Reforms Deputy Collector  
Arwal.