

| आदेश की क्रम संख्या और तारीख | आदेश और पदाधिकारी का हस्ताक्षर | आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ | | | | | | | | |
|------------------------------|---|---|--|------|----------|-----|------|---|--|--|
| 29-06-2017 | <p>In The Court Of: Land Reforms Deputy Collector, Arwal.</p> <p>Case No. 25/ 2016-17</p> <p>Vijay Singh- applicant Vrs. Butan Singh & others – opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u></p> <p>1. Sri. Krishna Kumar. <u>Learned Advocate of opposite party.</u></p> <p>1. Sri. Satyendra Kumar. 2. Sri. Arvind Kumar.</p> <p>ORDER</p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;">Schedule</p> <table border="1" data-bbox="303 1019 1316 1265"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Area</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>211</td> <td>1155</td> <td>79 desimal me se 10 desimal janib Paschim</td> <td>N-Bhageran Singh. S- Raushan Kumar. E- Applicant. W-Opposite Parties.</td> </tr> </tbody> </table> <p>Mauza-Sachai, Anchal+PS-Kurtha, Dist-Arwal.</p> <p>The learned advocate of applicant submitted that land mentioned in schedule is khatiani & parental land of applicant and he has peaceful possession over it. Further, Demand exists in his name and revenue receipts has been issued to him by circle office. Learned advocate informed that private Amin had measured & demarcated the disputed land but opposite parties didn't agreed to it. He is apprehensive about intention of opposite parties as op's wants to construct on land of applicant. Learned advocate alleged that op's are attached to Gang</p> | Khata | Plot | Area | Boundary | 211 | 1155 | 79 desimal me se 10 desimal janib Paschim | N-Bhageran Singh. S- Raushan Kumar. E- Applicant. W-Opposite Parties. | |
| Khata | Plot | Area | Boundary | | | | | | | |
| 211 | 1155 | 79 desimal me se 10 desimal janib Paschim | N-Bhageran Singh. S- Raushan Kumar. E- Applicant. W-Opposite Parties. | | | | | | | |

Beu

of anti social elements and with their help wants to disposses the applicant. He also said that at spot, op's caste, has numerical strength where as applicant is alone. While replying to opposite party, learned advocate said that he has not mentioned the name of boundary persons as per khatiyani but in plaint, mentioned name is of present boundary persons. Finally, learned advocate pleaded for measurement & demarcation of his area of land, if found to be dispossessed then it should be restored to applicant.

Learned advocate of opposite parties submitted on behalf of Butan Paswan S/o Late Ram Chandra Paswan (op-01), Saheb Paswan S/o Late Sanku Paswan (op-02) & Dharmendra Paswan S/o Late Badur paswan that they are residing on land of khata-222, plot No-1174 and it is their khatiani land and land mentioned in schedule is in East of their land. Learned advocate said that applicant has given incorrect boundary which doesn't match with khatiyani. Further, revenue receipts produced by applicant is not of disputed land. He informed that proceeding U/S 144 of crpc & U/S 107 of crpc is proceeding in court of SDM, Arwal which has not been mentioned by applicant. Learned advocate stated that opposite parties has constructed their houses in their khatiani land, infact beside Saheb Paswan's (op-02) house, "Angan Bari kendra" exists and alleged that applicant is unnecessarily filing cases in different court for torturing poor opposite parties. He is of view that

Bein

applicant recently got tempted towards disputed land because recently a road has been constructed which has made disputed land costly at spot. He also said that case suffers from nonjoinder of parties as applicant has not made party to his brother or nephews. Further, case is barred by limitation Act, section 65 and case is fit to be dealt U/S 145 of crpc. So learned advocate opposed the demand of applicant for measurement of scheduled land.

Heard the learned advocates, however during hearing of case, opposite parties agreed for measurement & demarcation of disputed land. So as per direction, the learned advocate commissioner, Sri P.C. -Maharaj submitted the measurement report. The learned advocate of applicant has submitted written argument and has pleaded for pillaring of his area of land as per measurement report. The learned advocate of opposite party has also submitted written argument and he has alleged that Advocate Commissioner has not served proper notice to opposite parties & alleged that report was prepared in collusion with applicant. Further, learned advocate writes that learned advocate commissioner has reported that Nagendra Paswan & Kiran Devi are also unauthorised occupants of applicant's land but they have not been made party in this case. Further, land of applicant has been found in constructed house of opposite parties which comprises 900 square kurry which can not be demolished by this court. So he

BeW

pleads for dismissal of the case without giving any relief to applicant. So looking all aspect, it seems that measurement report submitted by learned advocate commissioner is correct and some of the areas of disputed land are in unauthorised possession of opposite parties, over which they have constructed their residential house. However, applicant wants that barren land which is in possession of op but as per measurement report, it is of applicant, should be restored to applicant but op doesn't agree with measurement report & consider's it to be faulty. So this court directs circle officer, kurtha to enquire about spot and if remeasurement is required then it can be done other wise barren land of applicant can be restored to him. However, if any constructed structure of op exists at spot then it can not be demolished as this relief is beyond jurisdiction of this court.

Dictated and corrected

Arwal
29/06/17

Land Reforms Deputy Collector
Arwal

Arwal
29/06/17

Land Reforms Deputy Collector
Arwal.