

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 align="center">In The Court Of: Land Reforms Deputy Collector, Arwal. Case No. 43/2016-17 Krishna Ram- applicant Vrs. Shiv Ram & others- opposite parties Present- Rakesh Kumar, DCLR <u>Advocate of applicant</u> 1. Sri. Saroj Kumar Jha. <u>Advocate of opposite parties.</u> 1. Sri . Ashok Kumar Jha.</p> <p align="center"><u>ORDER</u></p> <p>Both the parties appeared and present case is related to</p> <p align="center">Schedule</p> <table border="1" data-bbox="359 940 1364 1411"> <thead> <tr> <th>Khata</th> <th>Plot No</th> <th>Rakwa A-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>48</td> <td>248</td> <td>0-13</td> <td>N- Brahma Dev Paswan. S- Karha. E- Kukur sao. W- Sakal Deep Ram.</td> </tr> <tr> <td>17</td> <td>267</td> <td>0-25</td> <td>N- Munarik Baitha. S- Eyawan Miyan. E-Tuni Ram. W- Banarasi Lal Khatri.</td> </tr> </tbody> </table> <p>Mauza- Arwal Sipah, Anchal+P.S.+ Dist- Arwal.</p> <p>Learned advocate of applicant submitted that land mentioned in schedule is khatiyani land of applicant and he is in peaceful possession of that land. He has given Geneological Table of his family and said that applicant's ancestor was Ramdhani chamar and his name is in khatiyani. He had one son namely Late Tilak chamar, he too had one son namely Late Laxman</p>	Khata	Plot No	Rakwa A-D	Boundary	48	248	0-13	N- Brahma Dev Paswan. S- Karha. E- Kukur sao. W- Sakal Deep Ram.	17	267	0-25	N- Munarik Baitha. S- Eyawan Miyan. E-Tuni Ram. W- Banarasi Lal Khatri.	
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(Signature)

chamar. However, Laxman chamar had three sons namely Late chunni Ram, Late Ramsevak Ram & Late Kunj Behari Ram. Further, Late chunni Ram had three sons namely Late Ghura Ram, Late Nayak Ram and Late Vishwanath Ram. However, Late Ram sevak Ram has two sons namely Jagarnath Ram & Krishna Ram (applicant) where as Late Jagarnath Ram has two sons namely Shiv Ram (op-1) & Ram Equbal Ram (op-2). Learned advocate states that applicant had gone out of village to Bihta for livelihood and in mean time opposite parties has dispossessed the applicant. so applicant wants measurement & demarcation of his land and if he is found to be dispossessed then it should be restored to applicant.

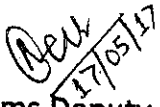
Learned advocate of opposite parties submitted that both the parties has common lineage and they are living in Joint family and there is no partition of joint family property. Further, Vishwa Nath Ram has right over half share of land and in remaining land, applicants & father of opposite parties Late jagarnath Ram has equal share. So area of land mentioned in schedule is not mentioned as per share of applicant. He said that in khata-48, plot-248 applicant has share of $3\frac{1}{4}$ desimals of land only and in khata-17, plot-25, applicant has share of 08 desimals only. So applicant can not be given any relief, so the case should be dismissed.

Heard the learned advocates of both the parties & perused the documents available on record.

AKW

Applicant has submitted khatiyani where as op has submitted kewalas & panchnama. After looking the documents it is found that disputed land has not been partitioned as per share of all concerning parties as applicant is silent about share of Late chunni Ram & Late kunj Behari Ram. Further, it seems that applicant has sold more than his share which includes agricultural land. However, photo copy of a "panchnama" is available on record, if both the parties want to follow that "panchnama" as per mutual agreement then they are free to do so, otherwise issues involved in this case seem to be related to partition which is beyond jurisdiction of this court to resolve the issue. So this court can not grant any relief to applicant, he may seek remedy in any other competent court.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

