

आदेश की कम्प्लाय 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. <u>Case No. 64/ 2016-17</u> Yogeshwar Paswan- applicant Vrs. Pramod Pandit & others- opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Md. Afsar Hamid. 2. Sri. Ramesh Prasad Singh. <u>Learned Advocate of opposite party.</u> 1. Sri. Ashok Sao. 2. Manoj Kumar. ORDER Both the parties appeared and present case is related to Schedule</p> <table border="1" data-bbox="338 1055 1326 1339"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>64</td> <td>303</td> <td>0-17</td> <td>N-Badri Thakur. S-Parti Kadeem. E- Banke Lal. W-Manohar Ram.</td> </tr> </tbody> </table> <p>Mauza-Helalpur, PS-Kinjar, Anchal-Kurtha, Dist-Arwal. Learned advocate of applicant submitted that land mentioned in schedule, was purchased by applicant from progeny of raiyat and said that whole plot is of 01 Acre 01 desimal in disputed khata & plot but vendor of applicant had share mentioned in schedule. Learned advocate has given Geneological Table of vendor's fore father and claims that he is in peaceful possession over the disputed land. However, he alleged that opposite parties namely Pramod Pandit s/o Late Bhagwan Pandit (op-01) & Chinta Devi w/o</p>	Khata	Plot	Area A- D	Boundary	64	303	0-17	N-Badri Thakur. S-Parti Kadeem. E- Banke Lal. W-Manohar Ram.	
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Pramod Pandit (op-02) are trying to illegally dispossess the applicant. Learned advocate said that vendor of both the parties are from same lineage but opposite parties are opposed to measurement by Private Amin. So he pleaded for measurement & demarcation of land mentioned in schedule by this court and wants injunction on any construction to be done by op on said land.

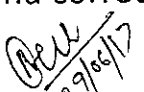
The learned advocate of opposite parties submitted that in disputed khata & khesra, op has purchased an area of 04 katthas on 07.10.2010 and their vendors are Alok Kumar Srivastava & Anish Kumar Sinha. Further, after purchase, their land was mutated and they are paying rent to govt of Bihar. Learned advocate mentions that op has constructed their residential complex on said land. He informed that a proceeding U/S 107 of crpc was also initiated by learned SDM, Arwal on recommendation of SHO Kinjar. Further, a case was also filed in Gram Kutchhari where report of learned Sarpanch is in favour of op. Learned advocate said that vendor of applicant & their fore father's doesn't live in village Helalpur for atleast last 70 yrs where as vendors of both the parties has common lineage. Learned advocate refuted the claim that applicant has peaceful possession over the disputed land or widow of kepileshwar Prasad has given any land to Radha Krishna Thakurbari. So learned advocate pleaded that claim of applicant is false, he can not be given any relief, so the case should be dropped.

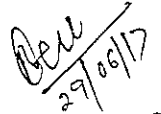
Read the statement of both the parties & perused the document available on record. Applicant has submitted kewala dated 19.02.2016 where as

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opposite parties has submitted kewala dated 07.04.2010, revenue receipts, report of Sarpanch, Gram Kutchhari-Ibrahimpur Block-Kurtha, report of S.H.O. Kurtha. After looking these documents it seems that opposite parties has possession over the disputed land. Further, vendors of both the parties are from same lineage, so it not clear whether proper partition among vendor's joint family has been done or not. Further, land of applicant is not mutated. So until applicant gives partition documents of his vendors & rent receipts are produced til then clear picture can not come to this court. So in this confusing situation this court can not grant any relief to applicant. So applicant's claim is rejected & case is dismissed.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

