

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;">In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Case No. 51/ 2016-17</u> Shiv deni Singh- applicant Vrs. Deo Prasad Singh & Others– opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Sri . Arvind Kumar. <u>Learned Advocate of opposite parties</u> 1. Sri . Girja Nandan Singh. <u>ORDER</u></p> <p>Both the parties appeared in the case. The present case is related to</p> <p style="text-align: center;">Schedule</p> <table border="1" data-bbox="268 1025 1257 1393"> <thead> <tr> <th>Khata</th> <th>Khesra</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>79/12,13</td> <td>329</td> <td>0-22$\frac{1}{2}$</td> <td>N-Hridya Nand Singh & Suryamani Devi. S-Rai Bahadur singh. E-Opposite parties. W- 'Karha' baad N.H. 98 & suryamani Devi.</td> </tr> </tbody> </table> <p>Mauza-Mehanediya, Tola-Budhan Bigha, P.S.-Mehanediya, Anchal-Kaler, Dist-Arwal.</p> <p>The learned advocate of applicant submitted that land mentioned in schedule is khatiani as well as purchased land in name of applicant & his son namely Akhilesh singh. He said that Revenue receipts of khatiani land is in name of applicant's father namely Late Ramdhani Gope s/o Late Anant Gope and revenue receipts of purchased land is in name of Akhilesh singh.</p>	Khata	Khesra	Area A- D	Boundary	79/12,13	329	0-22 $\frac{1}{2}$	N-Hridya Nand Singh & Suryamani Devi. S-Rai Bahadur singh. E-Opposite parties. W- 'Karha' baad N.H. 98 & suryamani Devi.	
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Learned advocate further submitted that a private Amin had measured & demarcated the land but opposite parties didn't agree to accept that report. He alleged that opposite parties has broken the ridge of the mentioned plot and has dispossessed the applicant from an area of about 12 kurry of land. So learned advocate pleaded for measurement of the disputed land & if it is found to be dispossessed then it should be restored to applicant.

The learned advocate of opposite parties submitted an behalf of Dev Prasad singh (op1), Suneshwar singh (op2) that statement given by applicant regarding land mentioned in schedule is wrong as khatiani land claimed by applicant is disputed though purchased land in name of Akhilesh singh is correctly described in plaint. He said that disputed khata & plot, comprises of 64 desimals and out of it 21 desimals each is of Dev Prasad (op1) and Darwi kunwar. Learned advocate claimed that land which is in possession of op in disputed khata/plot was exchanged from applicant which comprises of 07 desimals in plot-348 & 14 desimals in plot No-353 which was given to applicant by op1. However, 06 desimals of land was purchased by applicant's son namely Akhilesh singh from surya Dayal singh who in turn had purchased from Darwi kunwar. Learned advocate refuted the claim of applicant regarding revenue receipts and said that revenue receipts are being issued in name of Ram Dhani Gope in which there are three share holders as it joint family property. Learned advocate also refuted the allegation of applicant that op has dispossessed the applicant by breaking ridge of land. He said that op is

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cultivating on his land and informed that applicant has sold an area of 14 desimals of plot No-353 to Naresh singh s/o Kameshwar singh, Ramshray singh s/o Shiv pujan singh, Ram kishor singh s/o Lal singh through kewala dated 24.04.1973. However, applicant has remaining area of 07 desimals in plot No-348. Learned advocate refuted the claim of applicant that any private Amin had measured & demarcated the land mentioned in schedule. Further, he informed that a case U/S 144 of crpc was initiated in case No-459/2016 Shiv Deni singh vrs Deo Prasad singh & others in court of honourable SDM, which was dismissed. so learned advocate informed that in disputed khata & plot, applicant is in possession of 23 trees of different varieties and has kept about seven thousand bricks on the spot for constructing building. Learned advocate claimed that family partition among three co-sharers had already taken place in year 1970 and accordingly they are in possession of said land. So learned advocate pleaded for dismissal of the case.

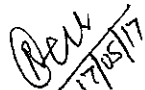
Heard the learned advocates & perused the documents available on record. Applicant has submitted kewala, khatiyan & revenue receipts where as opposite parties has submitted kewalas, photocopy of case filed U/S 144 of crpc in court of Honourable SDM, Arwal. However, after looking these documents, it seems that op has no objection regarding measurement of applicant's purchased land but he is opposed to measurement & demarcation of ancestral land. It seems that oral partition may have been taken place among concerning share holders but mutation may not have taken place as per agreement. Further, as

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per version of op, it seems that exchange of land between concerning parties had also taken place about which applicant is silent. Thus, in such a situation it will be beyond jurisdiction of this court to give any order regarding measurement & demarcation of land mentioned in schedule as it involves dispute related to ancestral property of concerning parties not the boundary dispute. Thus, this court can not give 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.