

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ												
04-07-2017	<p style="text-align: center;"><b>In The Court Of: Land Reforms Deputy Collector, Arwal.</b>  <b>Case No. 51/ 2015-16</b>  Minta Kumari - applicant  Vrs.  Jai Nandan Paswan &amp; Others- opposite parties  Present: Rakesh Kumar, DCLR  <u>Learned Advocate of applicant</u>  1. Sri . Bali Ram Pathak.  <u>Learned Advocate of opposite parties</u>  1. Sri . Afsar Hamid.  2. Sri. Ramesh Prasad Singh.</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>Both the parties appeared in the case. The present case is related to</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="4" style="text-align: center;">Schedule</th> </tr> <tr> <th>Khata</th> <th>Khesra</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">18</td> <td style="text-align: center;">32/125</td> <td style="text-align: center;">0-5.25 (out of this area disputed is 02 desimals)</td> <td style="text-align: center;">N-Ram Vinay Paswan. S-Niz (applicant) E-Niz (applicant) W- Ajay Paswan.</td> </tr> </tbody> </table> <p>Mauza- Belsar Chowki, Post-Belsar, P.S.-Mehamediya, Anchal-Kaler, Dist- Arwal</p> <p>The learned advocate of applicant submitted that land mentioned is of applicant which she has received as " Bakshishnama" in year 2014. Learned advocate informs that disputed land was in possession of her " Bakshishkarta" and accordingly she came into possession of that land. However, opposite party namely Ajay Paswan has dispossessed her from an area of 02 desimals, so looking at the tension at spot, a case No.- 213/2015 was initiated U/S 107 of crpc in learned</p>	Schedule				Khata	Khesra	Area A- D	Boundary	18	32/125	0-5.25 (out of this area disputed is 02 desimals)	N-Ram Vinay Paswan. S-Niz (applicant) E-Niz (applicant) W- Ajay Paswan.	
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*(Signature)*

court of SDM, Arwal. So learned advocate pleads for measurement & demarcation of disputed land.

Learned advocate of opposite party submitted on behalf of Jai Nandan paswan s/o Late Bhanu paswan (op-1) and Ajay paswan s/o Jai Nandan paswan (op-2) that land mentioned in schedule is purchased land of Munarik Dusadh, the grand father of Jai Nandan paswan & his vendor was keshav singh & Bhagwan singh and its kewala No. is 14155/1961. He said that since the days of purchase, opposite parties has possession over that land. Learned advocate said that applicant has no title over that land and it should be declared by civil court based on adverse possession of that land. So the land mentioned in schedule is in dispute due to their possession & title of applicant. Learned advocate informs that in disputed plot an area of 10 desimals was purchased by ancestors of applicant and in another plot an area of 04 desimals of land, Land Lord Bhagwan Das had taken consideration amount and had orally allowed them to built houses on that land . Learned advocate said that opposite parties are residing on that land, since 50-55 yrs. so based on adverse possession, they claims this land. so learned advocate pleads for rejection of relief sought by applicant.

However, opposite parties continued to remain absent in court, so on request of applicant, learned advocate commissioner sri Vashishtha Narain was directed to measure the disputed land, so that

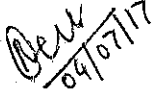
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actual position of spot can be known to this court. The learned advocate commissioner submitted the report to this court on 21.06.2016. After perusing the report, it is found that dispute at spot has occurred because opposite parties has opened their new door towards land of applicant & they have also made drainage in disputed land. Learned advocate commissioner writes that opposite party's purchased land is 10 desimals i.e. 1000 kurry but they are in possession of 10411.85 kurry. However, learned advocate commissioner writes that land comprising of this area, having breadth of  $2\frac{1}{2}$  kurry has been demarcated by him at spot. He has also found that opposite parties has stretched out ventilation of their house in disputed land. Learned advocate of applicant has also submitted an order of court of Executive officer, Arwal in case No.272/16 U/s 107 of crpc in which concerning parties are involved and this order is in favour of applicant of this case. Learned Executive officer has found defendant to be of disturbing nature at spot and police report in said case is also against defendant. So after looking all aspect it seems that opposite parties is unnecessarily claiming the land of applicant. Further, at spot it was found that defendant already has a main gate in front of his residential complex but they have unnecessarily opened a side gate towards applicant in eastern side. Moreover, op has also constructed a drainage in land of applicant & has stretched the roof covering the drainage below in land of applicant though beside

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drainage an old wall, below the earth exists at spot, which is of applicant. So overall, it can be said that defendant has wrongly acted against applicant. However, this court can not order for demolition of roof of applicant nor it can give direction for vanishing drainage constructed by op as it is beyond jurisdiction of this court but op is directed to leave their claim on remaining area of applicant as per measurement report of learned advocate commissioner. Further, applicant is free to erect wall on the side of drainage in his land without demolishing the construction work of op. Finally, op is directed not to interfere in land of applicant. Further, measurement report & other documents related to it will be part of order.

Dictated and corrected

  
Land Reforms Deputy Collector  
Arwal

  
Land Reforms Deputy Collector  
Arwal.