

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ								
20-4-2017	<p style="text-align: center;">In The Court Of: Land Reforms Deputy Collector, Arwal. Case No. 41/ 2016-17 Ram Nagina Singh- applicant Vrs. Ram Krit Singh & Others- opposite parties Present- Rakesh Kumar,DCLR <u>Learned Advocate of applicant</u> 1. Sri . Anil Kumar Sharma. <u>Learned Advocate of opposite parties</u> 1. Sohail Akhtar.</p> <p style="text-align: center;"><u>ORDER</u></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="343 1070 1300 1585"> <thead> <tr> <th>Khata</th> <th>Khesra</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>570</td> <td>0-35</td> <td>N-Ram Nagina Singh. (applicant) S-Rasta. E-Ram Nagina Singh. (applicant) & Ram Krit Singh (opposite party.) W- Ram Laddu Singh & others.</td> </tr> </tbody> </table> <p>Mauza-Selarpur, P.S.+Anchal-Karpi, Dist-Arwal.</p> <p>The learned advocate of applicant submitted that land mentioned in schedule was purchased by Nanhku Yadav, the Uncle of applicant through "sada-kewala" dated 25.06.1960, since then applicant, his own brother</p>	Khata	Khesra	Area A- D	Boundary	-	570	0-35	N-Ram Nagina Singh. (applicant) S-Rasta. E-Ram Nagina Singh. (applicant) & Ram Krit Singh (opposite party.) W- Ram Laddu Singh & others.	
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(Signature)

& cousin are peacefully occupying the said land. He said that demand exists in name of purchaser and they are paying rent to govt of Bihar. He alleged that opposite parties are unnecessarily creating hindrance at spot and illegally wants to create drainage in land mentioned in schedule. Learned advocate while arguing in court said that disputed land is being cultivated by applicant's family, if opposite parties considers it to be govt land, then burden of proof lies on them to prove it as from khatiyā, it is clear that it is private land. Learned advocate quoted the order of "chakbandi Padhadhikari" in case No-168/89 which states that disputed land is a private land and in this order, then circle officer, karpi had reported it to be raiyati land. He said that if it was govt land then an enquiry U/S 4 H of B.T. Act should have been done. Learned advocate refuted the allegation of applicant that document of applicants are forged & fabricated and signature of witnesses in kewala is false. Further, in reply to op, he stated that 'sada kewala' is valid as land's valuation was below Rs-100/ (Hundred) at the time of registration. Learned advocate stated that if op doubts his kewala then op should file case in civil court for cancellation of his kewala document. He said that enquiry report of present circle officer karpi is different from the report given by his predecessor. He alleged that circle officer karpi has wrongly passed the order under public Land Encroachment Act and this court has no right to pass the order based on public petition without proper enquiry of disputed land. He said that if disputed land is govt land then how circle officer has been collecting rent from applicant. Finally, learned

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advocate pleaded for injunction on disputed land, so that opposite parties can be stopped from interfering in that land. He also pleaded for any other suitable relief in favour of applicant. so that defendant's can not claim applicant's land.

Learned advocate of opposite parties submitted on behalf of Ram krit singh s/o Late Pachkauri singh (op1), Prem Nath singh s/o Late Ram vriksha singh (op2) & Mahesh yadav s/o Late Biteshwar yadav (op3) that plot No-570 is a public land as in survey khatiyani, it is shown as 'Gairmazurwa' & nature of land is "Gaddha" i.e. pit. Learned advocate said that villagers has been using it as drainage for many centuries. Learned advocate informed that circle officer karpi had taken cognisance of the matter in case No-01/16-17 and declared it to be public land and it was confirmed by "Zila Lok shikayat padhadhikari" Arwal. Learned advocate alleged that documents of applicants are forged as registration year of "sada-kewala" is 1960 though validity of "sada-kewala" was till 1956. Further, even if year of registreation i.e. 1960 is supposed to be valid then valuation of 35 desimals of land should be Rs-300/- (Three Hundred) as done in other kewalas which is in possession of lineage of applicants. Learned advocate was of view that signature of vendor of applicant in kewalarelated to disputed land, seems to be false as name of vendor is Zakra khatoon but it is mentioned as Zakira khatoon. He also alleged that signature of witness in the said kewala is namely Mahgu sao and signature has been forged as in another kewala of 1959, he had signed in "Dev Nagri Lipi" but in "sada kewala" of applicant "kasthi Lipi" has been

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shown. Further, in kewala of applicant, Thana No-288 is mentioned but this Thana No was not allotted to the area of district of Arwal, infact "Rajaswa Thana" No was 228. Learned advocate refuted the claim of applicant on basis of order of "Chakbandi padadhikari" as plot 570 is not mentioned in that document, more over in revenue receipt of applicant, khata/plot No-is not mentioned, so applicant can not claim land on basis of these documents. Learned advocate mentioned that altogether forty four co-villagers, including Head master of Middle school selarpur & local mukhiya has submitted an application to honourable DM, Arwal against the act of applicant as they are facing trouble in crossing the road. He said that when applicant was mukhiya, he too had allowed construction of drainage in disputed land but now he is trying to use it as his raiyati land. Learned advocate while arguing in court said that actudly khatiyani raiyat was of some Bhagat but in document signature is of Zakra khatoon, further chakbandi of said area is not final. He said that present circle officer has power to amend the report of his predecessors and he has passed order under public Land encroachment Act and learned advocate emphatically said that disputed land is govt land which is used as reservoir. so learned advocate pleaded for refusal of relief sought by applicant and dismissal of the case.

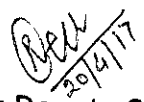
Heard the learned advocate of both the parties & perused the documents available on record. Applicant has submitted photocopy of sada kewala, revenue receipt, khatiyani, order of chakbandi padhadhikari where as opposite parties has submitted

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order of circle officer, karpi under public land Encroachment Act case No-01/16-17 in which applicant has been ordered for removal of encroachment with in three days. Further, an order of Zila Lok shikayat Niwaran padadhikari, Arwal is attached in document which was given on application given by op to said office, a kewala of lineage of applicant & application of co-villegers are also available on record. After looking all these documents it seems that facts & documents produced by applicant are full of contradiction, so in its basis disputed land can not be said to be raiyati land of applicant. Further, if applicant was not satisfied with order of circle officer karpi then he was free to go in appeal against that order. However, this court can not give any relief to applicant as circle officer, karpi clearly considers it to be govt land, infact documents especially "sada kewala" is required to be authenticated & verified by any other competent court. so the claim of applicant is rejected and case is dismissed.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

