

आदेश की क्रम  
संख्या और  
तारीख

## आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई  
कारवाई के बारे में  
टिप्पणी तारीख के  
साथ

In The Court Of: Land Reforms Deputy Collector, Arwal.

Case No. 39/ 2016-17

Nihora Ram- applicant

Vrs.

Lal Mohan Ram & others – opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri. Anil Sharma.

Learned Advocate of opposite party.

1. Sri. Ram Binay Prasad.

### ORDER

Both the parties appeared at the time of hearing. The present case is related to

#### Schedule-01

Khata	Plot	Rakwa A- D	Boundary
97	524	$6\frac{1}{4}$ desimals me se $3\frac{1}{4}$ desimals janib uttar Taraf.	N-House of both the parties. S- Haza plot wadi ka makan. E- Siwan Masuda. W-Awas Miyan.

#### Schedule-02

Khata	Plot	Rakwa	Boundary
428/53	335/205	$4\frac{1}{4}$ kattha	N-Dev Nandan Mistri. S- Niz wadi. E-Usman Miyan. W-House of both the parties.

Both the schedule is situated at

Mauza-Niranjanpur, Ps-Mehamediya, Anchal-Kaler, Dist-Arwal.

The learned advocate of applicant submitted on

30-05-2017

*(Signature)*

these opposite parties are namely Lal Mohan Ram (op-01), Raj Nandan Ram (op-02) both s/o Late Rampreet Ram, Rakesh kumar (op-03), Rajesh Kumar (op-04), both s/o Lal Mohan Ram, Pramod Kumar (op-05), Subodh Kumar (op-06), Santosh Kumar (op-07) all three s/o Raj Nandan Ram. The learned advocate further submitted that applicant is a retired teacher and he had purchased land mentioned in schedule-01 through registered kewalas dated 28.06.1988, and in this schedule land, in an area of 03 desimals, applicant has constructed his house from southern side and remaining is barren land. Further, land mentioned in schedule -02 was purchased through kewala dated 15.06.1987. Learned advocate informed that land mentioned in schedule was purchased by applicant during his service prd, accordingly demand was created in his name and he is paying rent to govt of Bihar. Learned advocate alleged that boundary persons are illegally claiming the purchased land of applicant and when ever applicant tries to demarcate his land through private Amin then opposite parties acts aggressively against him. So learned advocate pleaded for permanent solution and for this wants measurement & demarcation of land. Learned advocate while arguing in court, refuted the claim of op on said land and replied that proceeding U/S 144 of crpc is preventive action but dispute can be resolved in this

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court, So he pleaded for appointment of any of advocate commissioner or Govt Amin for demarcating his land, if any dispossession is found then it should be restored to applicant.

Learned advocate of opposite parties submitted that in land mentioned in schedule-01, the barren land as claimed by applicant is in share of opposite party 1 & 2. Similarly, in area of land mentioned in schedule-2, op constructed Latrine, thatched house which has wall of Bricks as well as Tube well exists. Learned advocate accepted that mentioned land in schedules was purchased in name of applicant but claimed that it was purchased during life time of their father through combined income of family. Further, partition document was prepared in presence of his father which includes disputed lands and a " panchnama" was prepared in which signature or thumb impression of both parties, their father, brother in law of applicant and co-villagers were taken on that document. Learned advocate stated that disputed land has share of all three brothers which was accepted by applicant during time of purchase. He also informed that a proceeding U/S 107 of crpc i.e. case No-455/16 is proceeding and case No-672/16 U/s 144 of crpc was also initiated in court of SDM, Arwal. Further, case No-672/16 U/S 145 of crpc has been also filed by applicant in court of SDM, Arwal. Learned advocate argued that different types of case in same issues can not be entertained by this court as it is already proceeding in

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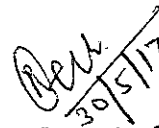
court of honoureble SDM, Arwal. Learned advocate argued that in kewala, it is not mentioned that disputed land was purchased by income of applicant and informed that opposite parties has other plots of land. He emphatically said that case involves question of Title & partition which can not be entertained by this court. So he pleaded for dismissal of the case.

Heard the learned advocates of both the parties & perused the documents available on record. Applicant has submitted photo copies of kewalas, revenue receipts, where as op has submitted photo copy of document related to partition. After looking these documents, it is found that a case U/S 145 of crpc is already proceeding in court of learned SDM, Arwal. Further, issues involved this case is related to partition as opposite parties seems to be in possession of disputed land. So this court can not give any relief to applicant as issues involved in this case is beyond jurisdiction of this court. So applicant is directed to seek remedy in any others competent court.

Dictated and corrected

  
30/5/17

Land Reforms Deputy Collector  
Arwal

  
30/5/17

Land Reforms Deputy Collector  
Arwal.