

आदेश की क्रम
संख्या और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की
कारवाई के बारे
टिप्पणी तारीख
साथ

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

Mutation Appeal No - 01/2016-2017

Manju Devi -Appellant

Vrs

Seema Devi- Defendent.

Present- Rakesh Kumar, DCLR

Learned Advocate of appellant.

1. Sri. Radha Kant Sharma .

Learned Advocate of Defendent.

1. Sri. Devendra Kumar.

2. Sri. Bali Ram Pathak.

ORDER

Both the parties appeared and present case is related to
Schedule

Khata	Plot	Rakwa A- D	Boundary.
18	617	0-35	
	155	0-09	
	463	0-09	
	515	0-03/4	
19	518	0-07/8	
42	1099	0-02	
	1100	0-02	
53	410	0-08	
		0-665/8	

Village-Chhotaki Ahiyapur, P.O.-sakri Chowki, Anchal+PS+ Dist- Arwal.

The learned advocate of appellant submitted that Seema Kumari D/o Late Chandeshwar Singh w/o Randhir Kumar (op-01) and Sandhya Kumari D/o Late Chandeshwar Singh w/o Lawkush are defendants of this case. He informed that Sima Kumari filed a petition before Anchal Adhikari, Arwal for mutation in her name and claimed that 1/3 rd share was allotted to her by court of Sub Judge 01, Arwal in P.S. case No-26/04.

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30-05-2017

Learned advocate further submitted that circle officer passed the final order on 11.04.2016, in mutation case No-1865/15-16 which is related to land mentioned in schedule and this order is in favour of defendant. Learned advocate said that order of circle officer is bad in law as well as facts & circumstances. He alleged that order of circle office is based on mere conjectures & surmises as 'Rajaswa Karamchari' has not found possession of Seema Kumari. Learned advocate is of view that Judgement of P.S. No-26/04 has been misread by circle officer as this case was filed by one Arbind Sharma against appellant & others for partitioning the suit land but it was dismissed on 28.01.2016. Learned advocate informed that Seema Kumari didn't appear in P.S. No-26/04. He further alleged that appellant of this case was not served any notice by circle officer nor she has given any assent in favour of Seema Kumari for mutating the disputed land. Learned advocate alleged that signature of appellant on application given to circle officer as well as on notice is forged & fabricated. He claimed that signature of Sandhya Kumari (op-02) is also forged, so learned advocate pleaded for setting aside the order of circle officer, Arwal in said mutation case.

Learned advocate of defendant submitted that correction letter in mutation case No-1865/15-16 has been passed on basis of mutual agreement among concerning parties which means appellant as well as both the defendants which ^{BEA} has been reported by local karamchari as well as circle inspector in their report. Learned advocate mentioned that Late Chandeshwar Sharma had one son namely Late Lal

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Babu Singh alias Vikas Kumar H/o Manju Devi (appellant) and two daughters namely Seema Kumari (op-01) and Sandhya Kumari (op-02). So based on the order of P.S. No-26/04, all the three children of Late Chandeshwar Sharma has equal right of 1/3 rd of share in property of their father. Learned advocate said that circle officer has followed procedure of mutation Act and has passed legal order in favour of defendant. So he pleaded for dismissal of the relief sought by appellant.

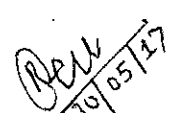
Heard the learned advocate and perused the documents available on record. Appellant has submitted photo copies of L.C.R. where as defendant has not submitted any document. However, this court has received L.C.R. from circle office, Arwal in which photo copy of P.S. No-26/2004 is attached which is basis for mutation. So after looking the documents especially Judgement of P.S.26/2004, it is found that case was filed by Arvind Sharma against both the parties of this case as well as against children of appellant of this case. It was also found that defendants of this case didn't appear in civil court and finally claim sought by applicant namely Arvind Sharma was rejected by Honourable civil court. So it is clear that in order of civil court, defendant namely Seema Kumari has not been given any relief. So I agree with appellant that Judgement of civil court has been misread as well as misinterpreted by circle officer, Arwal. Further, appellant claims that her signature as well as of op-02

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has been forged which needs to be verified by circle officer. More over, mutation has been done in favour of defendant which mentions 1/3 rd of total area and karamachari & circle officer has neither mentioned boundary persons nor the portion of the area. So it seems that spot verification has not been done by karamachari, so possession of defendant, seems to be doubtful at spot. Further, claim of defendant regarding 1/3 rd share in her parents property has merit, but for this, proper procedure of law has to be followed by concerning parties then only they can approach circle officer for mutation. So overall, it seems that basis of mutation done by circle office is not genuine. So this court directs circle officer, Arwal for cancellation of mutation done in favour of defendants.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.