

आदेश की क्रम संख्या और तारीख	<b>आदेश और पदाधिकारी का हस्ताक्षर</b>	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ												
12-09-2017	<p style="text-align: center;"><b>In The Court Of: Land Reforms Deputy Collector, Arwal.</b>  <b>Case No. 61/ 2014-15</b>  Ved Narain Singh - applicant  Vrs.  Girija Singh &amp; others –opposite party  Present- Rakesh Kumar,DCLR  <u>Learned Advocate of applicant</u>  1. Sri .Bashistha Narain.  2. Sri. Shailesh Sharma.  <u>Learned Advocate of opposite parties</u>  1. Sri. Anil Sharma.</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;"><b>Schedule</b></p> <table border="1" data-bbox="327 1048 1308 1590"> <thead> <tr> <th>Khata</th> <th>Plot No.</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>522</td> <td>1536</td> <td>0-12<math>\frac{1}{4}</math></td> <td>N- Niz. S- Opposite party. E-Hari Nandan Sharma &amp; Surendra Sharma.</td> </tr> <tr> <td>521</td> <td>1537</td> <td>0-12 0-24<math>\frac{1}{4}</math> (out of this 02 dismal is disputed from southern side)</td> <td>W-Shyam Sunder Sharma.</td> </tr> </tbody> </table> <p>Mauza-Usri, Post-Usri, P.S- Mehanadiya, Anchal-Kaler, Dist- Arwal.  The learned advocate of applicant submitted that land mentioned in schedule was of late Debrakhan Kunwar w/o Late Teni Singh, Late Ramchandra Singh, respecticaly the grand Mother &amp; Uncle of applicant. They had received the land from</p>	Khata	Plot No.	Area A- D	Boundary	522	1536	0-12 $\frac{1}{4}$	N- Niz. S- Opposite party. E-Hari Nandan Sharma & Surendra Sharma.	521	1537	0-12 0-24 $\frac{1}{4}$ (out of this 02 dismal is disputed from southern side)	W-Shyam Sunder Sharma.	
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co-villagers through kewala No- 4325 dated 16.11.1935 & kewala No-8730 dated 25.06.1951. However, after their demise, applicant is sole successor of the property, so the demand of disputed land along with other landed property exists in name of applicant and accordingly rent is being paid by them. Learned advocate further submitted that in southern side, there is land of opposite party who has destroyed the ridge and has illegally occupied the land of applicant comprising an area of about 02 dismal. Learned advocate said that when ever applicant asks opposite party for vacating the land then they threatens to capture more of applicant's area, infact they have filled that portion with soil & Bricks. So learned advocate pleaded for measurement & demarcation of land by any survey knowing advocate commissioner, there after wants recovery of dispossessed land as well as declaration of right of disputed land in favour of applicant.

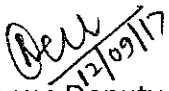
The learned advocate of opposite party represents Ramanuj Sharma (opposite party 03) where as Girja Singh (opposite party 01) and Mithilesh singh (opposite party 02) didn't turn up in court. However, opposite party 03 also didn't file written statement but has agreed for measurement, there after then DCLR had directed Anchal Amin for measurement but its report was objected by applicant. So with the assent of both the parties, A board comprising two survey knowing advocate commissioner & Anchal Amin Arwal was constituted to measure & demarcate the area. However, its report was objected by opposite party who alleged that Anchal Amin didn't visit the spot. So as per allegation, Anchal Amin was asked to clarify his stand, who in writing supported the report submitted by Board, based on document of both the parties.

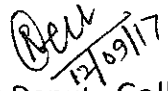
Heard the learned advocates and as per their request visited the spot and found that applicant claims the

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land based on joint measurement report of survey knowing advocate commissioners Sri P.C. Maharaj, Sri Bashishtha Narain & Anchal Amin, Arwal Sri Ravi Kant Sinha which includes "Kharanja" i.e. brick built road and wants that dirty water flowing from drainage of opposite parties should not fall into land of applicant. So looking at the situation, it can be said that at spot numeral strength of opposite parties joint family is more than applicant's, family so he is fearful. However, at spot opposite parties agreed that they will lead drainage water into their area of land which is beside the plot of applicant. So overall, it can be said that ordering for demolition of "kharanja Road" is beyond jurisdiction of this court. Thus, with the above observation, as per report of joint measurement team opposite parties are directed to leave the area of land for applicant except Brick road and opposite parties should immediately divert their drainage as per their commitment in their plot as present area used by them is of applicant. So opposite parties are directed to abide by measurement report of joint team and not to disturb applicant.

Dictated and corrected

  
Land Reforms Deputy Collector  
Arwal

  
Land Reforms Deputy Collector  
Arwal.

