

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																
23-11-2017	<p style="text-align: center;"><b>In The Court Of: Land Reforms Deputy Collector, Arwal</b>  <b>Case No. 25/ 2017-18</b>  <b>Bhagwan Ram &amp; others- Applicant</b>  <b>Vrs.</b>  <b>Krishna Paswan &amp; others- Opposite parties</b>  <b>Present- Rakesh Kumar, DCLR</b>  <u><b>Learned Advocate of applicant</b></u>  1. Sri . Bashishtha Narayan.  2. Sri. Ram Subhag Singh.  <u><b>Learned Advocate of opposite parties</b></u>  1. Sri. Manoj Kumar.  <b>ORDER</b></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 1041 1316 1668"> <thead> <tr> <th>Khata</th> <th>Khesra</th> <th>Area B-K- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>258</td> <td>314</td> <td>0-1-05</td> <td>N-Naresh Paswan. S-Ram Chandra Paswan. E-Road (N.H.) W-Opposite parties.</td> </tr> <tr> <td>258</td> <td>323 324</td> <td>0-02-04</td> <td>N-OP. S-Karha. E-Ram Lagan Paswan. W-Dudheshwar Paswan.</td> </tr> <tr> <td>258 258</td> <td>310 80 81</td> <td>0-01-08 0-0-16</td> <td>N-Karha. S-OP. E-Dudheshwar Paswan. W-Number Haza.</td> </tr> </tbody> </table> <p style="text-align: center;">Mauza-Sakri, Po-Sakri Chauki, PS+Anchal+ Dist-Arwal.  The learned advocate of applicant submitted that land mentioned in schedule is khatiyani land of Late</p>	Khata	Khesra	Area B-K- D	Boundary	258	314	0-1-05	N-Naresh Paswan. S-Ram Chandra Paswan. E-Road (N.H.) W-Opposite parties.	258	323 324	0-02-04	N-OP. S-Karha. E-Ram Lagan Paswan. W-Dudheshwar Paswan.	258 258	310 80 81	0-01-08 0-0-16	N-Karha. S-OP. E-Dudheshwar Paswan. W-Number Haza.	
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*(Signature)*

Fagu Dusadh & others, the great grand father of both the parties. Learned advocate informed that Fagu Dusadh had only son Late Deo Narayan Dusadh and he had three sons namely Late Mithu Dusadh, Late Sithu Dusadh & Ram Lagan Dusadh. However, Late Sithu Dusadh had five sons namely Bhagwan Ram, Krishna Paswan, Ashok Paswan, Late Bindeshwari Paswan & Kamlakant. Learned advocate further, submitted that partition of joint family property had already taken place among sons of Late Deo Narain Dusadh and based on that all sons of Late Sithu Dusadh has already partitioned the landed property about 30 yrs ago. Learned advocate said that applicant has made party to two persons only as he doesn't have any grievances from others person's mentioned in Geneological Table. Learned advocate informed that applicant had last year already got demarcated his share of land and opposite parties namely Krishna Paswan (op-01) & Ashok Paswan (op-02) had also agreed to it. However, applicant's share is nearby house of opposite parties and they continuously plans to displace the applicant by breaking the ridge. He also alleged that op-02 is of criminal

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nature. So he is aggressive at spot. So applicant feels to get his area of land measured & demarcated and in case any displacement is found then it should be restored to applicant.

Learned advocate of opposite parties submitted that land mentioned in schedule of plaint is of Ashok Paswan (op-02) and seasonal cultivation is done by him on said land. He claimed that op has received it as share from family partition and alleged that applicant has cunningly sold the Homestead land of khata-258, plotb No-314 area-1.25 katthas to Usha Devi W/O Panna Lal Kesri of Village-Prasadi English, PS+ Anchal + Dist-Arwal through registered kewala No-2248 dated 22.05.2017. Learned advocate informed that op has filed the case in court of Learned Sub-Judge one, Arwal for cancellation of that kewala. He also claimed that op's wanted to get the Demand existing in name of their father transferred into name of five brothers but applicant never agreed to it. Learned advocate refuted the claim of applicant in land mentioned in schedule & disagreed to measure & demarcate the area mentioned in plaint and pleaded for rejection of claim of applicant

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& dismissal of the case.

Heard the learned advocates of both the parties & perused the documents available on record. Applicant has submitted photocopies of khatiyani, revenue receipts where as opposite parties has submitted photocopies of civil suit No-70/2017 with fee depositing proof, kewala of Bhagwan Ram vrs Usha Devi, photograph of House, existing at spot & certificate from mukhiya & ward member of Gram Panchayat Sakri to prove that partition had taken place in life prd of father of both the parties who died about 32 yrs ago. So after looking these documents, it seems that land mentioned in schedule of plaint is controversial & applicant lacks proof to prove it to be his land. So in this situation, this court can not grant any relief to applicant till Honourable civil court, Arwal decides the issues related to kewala cancellation and proper document is produced by applicant to prove his right on said land. So claim of applicant is rejected & case is dismissed.

Dictated and corrected

*Beal*  
23/11/17

Land Reforms Deputy Collector  
Arwal

*Beal*  
23/11/17

Land Reforms Deputy Collector  
Arwal.