

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई व बारे में टिप्पणी तारीख के साथ								
02-11-2017	<p align="center">In The Court Of: Land Reforms Deputy Collector, Arwal.</p> <p align="center">Mutation Appeal No – 09/2016-2017</p> <p align="center">Narain Singh –Appellant</p> <p align="center">Vrs</p> <p align="center">Rama Nand Bhagat- Defendent.</p> <p align="center">Present- Rakesh Kumar, DCLR <u>Learned Advocate of appellant.</u></p> <p align="center">1. Sri. Shailesh Kumar. 2. Sri. Binod Kumar Singh. 3. Sri. Vinod Kumar. 4. Sri. Ram Vinay Prasad. <u>Learned Advocate of Defendent.</u></p> <p align="center">1. Sri. Anil Sharma.</p> <p align="center">ORDER</p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p align="center">Schedule-01</p> <table border="1" data-bbox="338 1070 1289 1406"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Area A-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>427</td> <td>1359</td> <td>0-8.332</td> <td>N-Chandeshwar Yadav & Parikha Bhagat. S-Bhagwan Pal. E-N.H.-98. W-Ram Dhyan Pandit.</td> </tr> </tbody> </table> <p>Mauza-Korium, Ps+Anchal+Dist-Arwal.</p> <p>The learned advocate of appellant submitted that case has been filed against the order of circle officer, Arwal in mutation case No-535/2016-2017 dated 02.09.2016. Learned advocate of appellant narrated the stories related to land mentioned in schedule and said that Rukmini Devi had purchased the said land on 25.04.1973 from Chandrika Sao s/o Durga Sao of Mauza-Prasadi English, Arwal through</p>	Khata	Plot	Area A-D	Boundary	427	1359	0-8.332	N-Chandeshwar Yadav & Parikha Bhagat. S-Bhagwan Pal. E-N.H.-98. W-Ram Dhyan Pandit.	
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kewala No-4501 & 4502. However, after her demise, landed property's owners were her daughters namely Lalita Devi w/o Ramashray Bhagat of PS-Baghaiyo, Dist-Rohtas & Taramani Devi w/o Rang Lal Bhagat PS-Vikram Ganj, Dist-Rohtas and they together sold the land to appellant of this case through kewala No-3131 dated 12.07.2016. Learned advocate said that after purchase of land, appellant applied for mutation but it was rejected because "Jamabandi" still exists in name of Chandrika Sao. Learned advocate Sri Vinod Kumar argued in court that Purchased land of Rukmini Devi is "Stri Dhan" and no one can claim that land. He alleged that circle officer has issued revenue receipt based on wrong boundaries to defendant. Learned advocate Sri Vinod Kumar mentions in written argument that Halka Karamachari in enquiry report has mentioned about 'Jamabandi' and not about possession which has been misinterpreted by circle office. He alleged that spot verification report prepared by circle officer is in collusion with defendant his conmen as disputed land is in possession of appellant. Learned advocate has given Geneological Table (GT) of the family and writes that Sukulwa Devi had three children namely Rukumuni Devi w/o Deputy Bhagat, Collector Bhagat & Late Daroga Bhagat. Further, Rukmuni Devi had three children namely Lalita Devi, Taramani Devi & Chote Lal Bhagat. However Lalita Devi & Taramani Devi are vendors of appellant and he alleged that Chote Lal Bhagat s/o Deputy Bhagat and Collector Bhagat's "Baksisnama" done to Ram Prasad Gareri s/o Kali Gareri and Ganauri Gareri s/o Shiv Sharan

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Gareri are forged & fabricated as they had no right to "Baksis" the land of Rukmini Devi. Further, in "Baksisnama" it is mentioned that Chote Lal Bhagat is a minor which means a minor had no right to "Baksis" the land. Learned advocate pointed out that plot of land mentioned in mutation case No-1198/15-16 is different from mutation case No-535/16-17 and total area of land mentioned in mutation case No-1198/15-16 is 22 desimals only and accordingly correction letter has been issued by circle office but "Karamachari" in collusion with defendant has issued rent receipts No-00820431 of $34\frac{1}{2}$ desimals which includes total rakwa of $12\frac{1}{2}$ desimals of disputed khata-427, plot No-1359. Learned advocate also pointed out that as per order sheet of circle office, 'jamabandi' exists in name chandrika sao and here defendant could not produce any document to prove that 'jamabandi' exists in name of collector bhagat & chote lal bhagat. Learned advocate also refuted the claim of defendant that proceeding U/S 144 of crpc was initiated on land mentioned in schedule and informed that boundaries of this land is different from the land mentioned by defendant so learned advocate is of view that injustice has been done to appellant, so pleaded for rectifying the mutation order of circle officer, arwal.

Learned advocate of defendant submitted on behalf of defendants namely Ramanand bhagat s/o- late Ganpat Bhagat & sanjay bhagat s/o- Late Gurucharan Bhagat that disputed khata & plot comprising $12\frac{1}{2}$ desimals was gifted

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to their respective grandfather namely Ganauri Gareri & Ram Prasad Gareri by collector Bhagat & Chote Lal Bhagat on 30.06.1982. He said that "Jamabandi" exists in name of their grand father and accordingly they are in possession of said land which has been confirmed by spot inspection done by staffs of circle office. Learned advocate has mentioned in written argument that in disputed khata & plot, Bhagwan pal has also purchased the land from "Natini" i.e. grand nephew of Rukmini Devi and so on that disputed khata & plot case No-321/16 was initiated in court of SDM, Arwal U/S 144 of crpc and mutation Appeal case No-02/16-17 in court of DCLR, Arwal on application of Bhagwan Pal which was rejected. Further, defendants has filed T.S. 60/2016 in civil court arwal for cancellation of kewala of applicant. So learned advocate pleaded for rejection of the claim of applicant.


Heard the learned advocates of both the parties & perused the document available on record. Appellant has submitted different kewalas & photocopy of mutation case no- 1198/15-16 where as defendant has submitted photocopy of T.S.No- 60/2016 and L.C.R from circle office arwal is available on record. After looking these documents it seems that land of disputed khata & khesra has been gifted to ancestor of defendants by late husband & son of rukmini devi . Further, land of same disputed khata & khesra has been purchased by appellant & Bhagwan pal respectively from daughters & Grand daughters of Rukmini devi and all claimants are struggling for mutating their purchased lands. However, it seems that learned advocate of appellant has

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been trying to mislead the court by cunningly arguing that plot of this mutation case is different from plot mentioned in mutation case no-02/2016-17 in which order has been already passed by this court on 30.05.2017. Further, learned advocate of defendant has also tried to show that in T.S.No-60/2016, appellant of this case is not a party but documents produced by defendant proves that appellant of this case is also one of the opposite parties in said Title case which is proceeding in civil court Arwal. Moreover, at spot possession seems to be of defendant as it has been clearly mentioned by circle officer Arwal in spot enquiry report. So this court can not give any relief to appellant till Title suit No-60/2016 is decided by honourable civil court. So claim of appellant is rejected & case is dismissed.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

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