

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. 45/ 2016-17

Kanti Devi- applicant

Vrs.

Yamuna Devi- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri . Arun Kumar.

Learned Advocate of opposite parties

1. Sri . Ram Dayal Pandey.

### ORDER

Both the parties appeared and present case is related to  
Schedule

Khata	Plot	Rakwa	Boundary
185	97	11 desimal	N-Arun Tewari S-Shrikant Tewari. E-Madheswar Tewari. W- Yamuna Devi.
185	100	11.5 desimal	N- Arun Tewari. S-Dariyaw Tewari. E-Ram vilas Tewari. W-Yamuna Devi.
32	1525	8.5 desimal	N-Nagwanth Tewari. S-Karha. E- Ram vilas Tewari. W-Yamuna Devi.
42	762	30 desimal	N-Chandrika Tewari. S-Guraman Chy. E- Jaykant Pathak W-Yamuna Devi.
32	759	6 desimal	N-Arun Tewari. S-Prakash Ram. E- Sukan Tewari. W-Yamuna Devi.
32	760	20 desimal.	N-Sukan Tewari. S-Lal Mohan Chy. E- Fagu Chy. W-Yamuna Devi.

30-08-2017

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33	896	9 desimal.	N-Lal Bachan Tewari. S-Sidheshwar Tewari. E-Braham Sthan. W-Yamuna Devi.
32	74	20 desimal.	N-Parti Kadim. S-Raj Kali Devi. E- Daroga Tewari. W-Yamuna Devi.
42	73	18 desimal.	N- Parti Kadim. S- Raj Kali Devi. E- Chulhan Pathak W-Yamuna Devi.
33	379	3 desimal.	N-Bhudeo Tewari. S-Niz. E-Ram Viveki Tewari. W-Ram Lakhan Yadav.
33	846	2.5 desimal.	N-Bhudeo Tewari. S-Niz. E-Rasta. W-Ram Lakhan Yadav.
		Total- 138.5 desimal.	

Mauza-Amra, P.S.-Parasi, Anchal+ Dist-Arwal

The learned advocate of applicant submitted that land mentioned in schedule is purchased land of applicant through registered kewala dated 17.06.2015. The circle office, Arwal has issued revenue receipts upto 2015-2016 as well as L.P.C. of said land is in name of applicant. Learned advocate has given Geneological Table of defendant and said that Late Chulhan Pathak had two sons namely Late Baleshwar Pathak H/o Yamuna Devi (op-1) & Late Bharosa Pathak. However, Late Baleshwar Pathak had four sons namely Jagdish Pathak (op-2), Sri kant Pathak (op-3), Umakant Pathak, jaikant Pathak (op-5) F/o Ameet Kumar (op-4) where as Late Bharosa Pathak has two sons namely Bharat Pathak (vender) & Late Shatrudhan Pathak

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(Died Unmarried). So as per GT, vendor of applicant has right over half of share in landed property of Late Chulhan Pathak and accordingly he has sold his share to applicant. However, learned advocate informed through written argument that op 1 has registered the disputed land to her grand son & grand daughter in law through registry dated 29.06.2015 and by muscle & money power has got L.P.C. & revenue receipts of land which belongs to applicant. Learned advocate alleged that basis of partition shown in written statement of op is false & fabricated and informed that case U/S 144 of crpc was also filed in court of learned SDM, Arwal but it was not decided due to limitation of prd. Further, he said that applicant had deposited measurement fee in circle office but circle officer, Arwal is yet to take steps for measurement of land mentioned in schedule. Learned advocate finally pleaded for measurement & demarcation of disputed land as well as declaration of right in favour of applicant.

Learned advocate of opposite parties submitted that land mentioned in schedule is land of defendants and it is in their peaceful possession. He informs that revenue receipts & LPC of said land has been issued to defendant. Further, order of Executive officer in case No.-1423/14 U/S 144 of crpc is in favour of defendants of this case. Learned advocate said that applicant of this case had taken money from Yamuna Devi (op-1) and agreement related to it was signed on stamp paper of 50

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paise. He claimed that police report in PB No-1073 dated 16.08.2016 is in favour of defendants. Finally, learned advocate writes in written statement that case involves complex land dispute which can not be resolved by this court. so he pleads for dismissal of the case.

Heard the learned advocate of applicant and read the written statement of defendants and perused the documents available on record. The applicant has submitted kewalas, revenue receipts, Land possession certificate (LPC), receipt showing that measurement fee has been deposited by applicant in circle office where as op has submitted police report, A statement of applicant kanti Devi on stamp paper, Agreement on non stamp paper, order of Executive officer Arwal, LPC & rent receipts in name of Amit Kumar & Premshila Devi. After looking these documents it can be said that proper partition of disputed land has not been done in Joint family of vendor of applicant. Further, after purchase of land by applicant, Yamuna Devi (op-1) has transferred same land to her grand son & grand daughter in law. The circle office has issued rent receipts & LPC to both the parties without looking into the dispute at spot. So in such a situation, this court can not grant any relief to applicant till dispute related to partition between Yamuna Devi & others and Bharat Pathak (vendor of applicant) are resolved. So applicant is directed to seek remedy in any other competent court.

Dictated and corrected

  
30/08/17

Land Reforms Deputy Collector  
Arwal

  
30/08/17

Land Reforms Deputy Collector  
Arwal.