

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ								
02.11.2017	<p align="center">In The Court Of: Land Reforms Deputy Collector, Arwal. Mutation Appeal No – 06/2016-2017 Suresh Sao –Appellant Vrs Savitri Devi- Defendent. Present- Rakesh Kumar, DCLR <u>Learned Advocate of appellant.</u> 1. sri. Parshu Ram Kumar Pankaj. <u>Learned Advocate of Defendent.</u> 1. Sri. Anil Sharma.</p> <p align="center">ORDER</p> <p>Both the parties appeared and present case is related to Schedule</p> <table border="1" data-bbox="343 884 1316 1064"> <thead> <tr> <th>Khata</th> <th>Khesra</th> <th>Rakwa</th> <th>Boundary.</th> </tr> </thead> <tbody> <tr> <td>42</td> <td>239</td> <td>A- D 0-5</td> <td>-</td> </tr> </tbody> </table> <p>Mauza-Khemkaran Sarai, kurtha Bazar, PS+Anchal-Kurtha, Dist-Arwal.</p> <p>The learned advocate of appellant submitted that land mentioned in schedule was mutated in favour of defendant through case No-395/13-14 by circle officer, kurtha. He claimed that land is in possession of appellant and alleged that with out proper notice & enquiry, land has been mutated. Learned advocate informed that T.S. No.-242/13 is proceeding in court of sub- Judge-01, Arwal which involves the land mentioned in schedule, so while mutating, circle officer kurtha has violated rules of mutation Act. So learned advocate pleaded for cancellation of mutation done in favour of defendant.</p> <p>Learned advocate of defendant submitted that land mentioned in schedule which has in North- Satya</p>	Khata	Khesra	Rakwa	Boundary.	42	239	A- D 0-5	-	
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Narain sao, South-Khariddar Imroje Malti Devi, East-Pakki sarak, West-Mithilesh yadav, was purchased by defendant from Appellant's father namely Doman sao through registered kewala No-3523 dated 10.07.2013. He said that after purchase of land, defendant came into possession & at present a shop is being run by her renter. Learned advocate claimed that circle officer kurtha has mutated the disputed land after proper enquiry & as per rule. He also opposed the condonation petition of appellant as no proper Justification has been given by appellant. Finally, learned advocate of defendant pleaded for approval of mutation order No-395/13-14, passed by learned circle officer, kurtha.

Heard the learned advocate of both the parties & perused the documents available on record. Appellant has submitted copy of letter No-306 dated 02.08.2016 of circle officer, kurtha given to sub-Divisional PGRO & his order in relation to mutation case. In this letter, circle officer kurtha writes that disputed land was mutated on 22.07.2013 and defendant has been issued receipt up to 2016-2017. The appellant has also submitted kewala of Doman Sao vrs Savitri Devi dated 10.07.2013 and photo copy of T.S. No-241/2013 filed by three sons of Doman Sao against their father namely Doman Sao and purchaser Savitri Devi & Malti Devi on 25.09.2013. The appellant has also submitted a " kirayanama" given to Mahendra Vishwakarma by three sons of Doman Sao certified by Notary Arwal dated 03.08.2017 to prove that appellant


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has possession over disputed land. This "Kirayanama" mentions that appellants father & the vendor of defendants has expired and his three sons has rented the disputed spot for commercial use. However defendants has not submitted any document to prove their possession but has tried to defend their mutation on basis of proceeding of Title in civil court and talks that disputed land is on rent.

So after looking all these documents, it is found that appellant has not given any document to prove their possession of the prd, during which mutation was done in favour of defendant. So this court directs circle officer kurtha to rehear the concerning parties and pass the order accordingly as per rule prescribed in mutation Act.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

