

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ												
30-08-2017	<p>In The Court Of: Land Reforms Deputy Collector, Arwal.  <u>Case No. 71/ 2016-17</u>            Dukhni Devi- applicant            Vrs.            Ram Janam Paswan- opposite parties            Present- Rakesh Kumar, DCLR  <u>Learned Advocate of applicant</u>            1. Sri. Ram Uday Upadhyay.            2. Sri. Satish Chandra Jyoti.  <u>Learned Advocate of opposite parties</u>            1. Sri . Suresh Kumar Yadav.</p> <p><b>ORDER</b></p> <p>Both the parties appeared in the case. The present case is related to</p> <table border="1" data-bbox="323 981 1313 1160"> <thead> <tr> <th colspan="4">Schedule</th> </tr> <tr> <th>Khata</th> <th>Khesra</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>180</td> <td>16</td> <td>0-16</td> <td>-</td> </tr> </tbody> </table> <p>Mauza-Tazpur Bishunpur, PS+Anchal+Dist-Arwal.</p> <p>The learned advocate of applicant submitted that land mentioned in schedule was received by applicant's husband namely Late Bharat Ram as "Basgit Parcha" and revenue receipt till 2016-2017 has been issued in his name. Learned advocate informed that in its half of the area applicant has constructed her house and in remaining half towards eastern side, it is being used as 'sahan' i.e. court yard. Learned advocate alleged that opposite parties namely Ram Janam Paswan (op-01) &amp; Ram Babu Paswan s/o Ram Janam Paswan (op-02) has forcibly dispossessed the applicant from part area of 'sahan'. So learned advocate pleaded for measurement,</p>	Schedule				Khata	Khesra	Area A- D	Boundary	180	16	0-16	-	
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180	16	0-16	-											

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demarcation & restoration of applicant's land as well as pillaring of said land.

Learned advocate of opposite parties submitted that both the parties has been allotted equal share of land mentioned in schedule and at spot, both has equal possession and both of them has constructed their houses. Learned advocate refuted the allegation of applicant that op's has illegally occupied applicant's land and informed that opposite party one is own brother of applicant's late husband. He further stated that opposite parties doesn't have any source of income nor they have any other land. However, learned advocate also states that based on principle of adverse possession also op's has right over his possessed land. So he pleads for rejection of the claim of applicant.

Heard the learned advocates and perused the documents available on record. Applicant has submitted photo copy of 'parcha' given under BPPHT Act & revenue receipts and a report of karamchari submitted to circle officer Arwal where as opposite parties has not submitted any document. After looking the report of karamchari, it is found that applicant's husband & op-01 are own brothers, however applicant's husband namely late Bharat Ram was given parcha under BPPHT Act in 1976-1977 comprising an area of 09 desimals. The late Bharat Ram was elder brother and 'Jamabandi' has been created in his name which exists in D.R. 146/06. However, both brothers had constructed houses on equal share of land and at

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present in front of their houses barren land exists which is equally in their possession but applicant wants to snatch it from opposite parties. So from report of karmachari, it is clear that disputed land is Gair Mazurwa and Late Bharat Ram being elder brother was allotted under BPPHT. Since both the brothers has equally partitioned the land and they are in possession of said land since they day of settlement, So it will not be feasible to direct opposite parties to vacate it in favour of applicant until alternative arrangement is made for opposite parties. However, applicant may approach circle officer Arwal for need ful as per BPPHT Act.

Dictated and corrected

*Beu*  
30/08/17

Land Reforms Deputy Collector  
Arwal

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30/08/17

Land Reforms Deputy Collector  
Arwal.

