

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 align="center"><b>In The Court Of: Land Reforms Deputy Collector, Arwal.</b></p> <p align="center"><b><u>Case No. 08/ 2017-18</u></b></p> <p align="center">Ramjeevan Singh- applicant Vrs. Kapil Singh &amp; others-- opposite parties Present- Rakesh Kumar,DCLR <u>Advocate of applicant</u> 1. Sri. Ram Vinay Ram. <u>Advocate of opposite parties.</u> 1. Sri . Bhikari Singh. 2. Sri. Bijay Prasad Singh. 3. Sri. Vimal Kumar Singh.</p> <p align="center"><b><u>ORDER</u></b></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p align="center"><b>Schedule</b></p> <table border="1" data-bbox="295 1041 1276 1814"> <thead> <tr> <th>Khata</th> <th>Plot No</th> <th>Area A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>49</td> <td>350</td> <td>0-11</td> <td>N- Girja Singh. S- Ramdhar Singh. E- Saidpur Siwan. W- Chadra Vilas Verma.</td> </tr> <tr> <td>49</td> <td>375</td> <td>0-03</td> <td>N-Niz. S-Niz. E-Niz. W-Sarak.</td> </tr> <tr> <td>168</td> <td>376</td> <td>0-03</td> <td>N-Suraj Mahto &amp; Jai Nandan Singh. S-Girja Singh &amp; Laxman Singh. E-Niz. W-Gali P.C.C.</td> </tr> <tr> <td align="center" colspan="2">Total</td> <td>0-17 desimals</td> <td></td> </tr> </tbody> </table> <p align="center"><b>Mauza-Sumera Tola Ram Lagan Bigha, PS-Parasi, Anchal+ Dist-Arwal.</b></p>	Khata	Plot No	Area A- D	Boundary	49	350	0-11	N- Girja Singh. S- Ramdhar Singh. E- Saidpur Siwan. W- Chadra Vilas Verma.	49	375	0-03	N-Niz. S-Niz. E-Niz. W-Sarak.	168	376	0-03	N-Suraj Mahto & Jai Nandan Singh. S-Girja Singh & Laxman Singh. E-Niz. W-Gali P.C.C.	Total		0-17 desimals		
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The learned advocate of applicant submitted that land mentioned in schedule is purchased land of Late Ram Vilas Mahto, the father of applicant and he has been paying up to date rent to govt. Learned advocate alleged that opposite parties namely Kapil Singh (op-01), Vakil Singh (op-02), Vijay Singh (op-03) & Arjun Singh (op-04) all s/o Late Jag Lal Singh has illegelly captured his land. Learned advocate informed that in local panchayt, op's agreed for vacating the land of applicant but practically they never vacated it. Learned advocate while arguing in court said that op can claim their share over khatiyani land but not on purchased land of his father. Further, op had filed a case no 304/2015 in court of SDM, Arwal U/S 144 of crpc and its order is in favour of applicant. However while replying to op, he said that P.S. No-03/2015 was unknowingly filed by applicant in civil court, as applicant being illiterate could not understand plaint written in English. Learned advocate claimed that oral partition between father of both the parties had already taken place but purchased land was included in that partition. He also informed that father of both the parties were half brothers. Learned advocate emphatically said that applicant's father had purchased the land mentioned in schedule after partition had taken place in joint family. So learned advocate pleaded for measurement & demarcation of land mentioned in schedule and restoration of his land.

Learned advocate of opposite parties submitted that applicant had filed a partition suit No-03/2015 in civil court, Arwal in which land mentioned in schedule of this case was shown to be joint property though in khata-49 plot-350 area mentioned in

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partition suit was 22 desimals. Learned advocate informed that applicant had withdrawn P.S. No-03/2015 as per cpc rule 23 (1) but he accepted in that case that disputed land of this case is joint property. Learned advocate has given Geneological Table in written argument and said that grand father of both the parties were Late Ramkewal Singh who had two sons namely Late Ramvilas Singh and Late Jaglal Singh. The Late Ram Vilas Singh had four sons namely Ramjeevan Singh (applicant), Laxman Singh, Sri Bhagwan Singh & Girja Singh and all op's are sons of Late Jaglal Singh. Learned advocate stated that Late Ramvilas Singh was guardian of the family, so he had purchased land in his name but when partition took place in 1972 then khatiyani as well as purchased land was partitioned between both the parties and accordingly op's have peaceful possession over their share. Learned advocate quoted khata 589/185 plot-2002/1365 comprising  $30\frac{1}{2}$  desimals of which  $15\frac{1}{4}$  desimals of area was sold by Late Ramvilas Singh to Shiv Rani Devi w/o Shaligram Singh on 06.06.1982 and it proves that partition in family had taken place prior to that date i.e. year 1972. Learned advocate also said that panches had prepared "Panchnama" by which it is clear that disputed land doesn't belong absolutely of applicant. Further, learned advocate is of view that as per Judgement of Honourable High court, Patna in 2012, PLJR, this case is out of jurisdiction of this court, So finally pleaded for dismissal of the case.


Heard the learned advocates of both the parties & perused the documents available on record Applicants has submitted translated copies of kewalas where as op's has submitted copies of 'Panchnama',

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kewala in name of Ramvilas Singh comprising  $30\frac{1}{2}$  desimals and sale Deed of Ramvilas Singh Vrs Shiv Ratri Devi comprising an area of  $15\frac{1}{4}$  desimals and copy of T.N. No. 03/2015. So after looking these documents it can be said that applicant has been vacillating regarding partitioning of land. He had filed a partition suit in civil court, Arwal and later withdrew it but mentioned disputed land as joint property and disowns that case on basis of illiteracy which can not be leagally validated. Further, in khata 589/185, plot No-2002/1365, which comprises of  $30\frac{1}{2}$  desimals, its half share has been sold by applicant's father in 1982 which prima facie shows that partition had taken place prior to that years. Moreover, op's have constructed building on disputed plot, So it seems that op's have possession over that land. Here, it is remarkable that applicant has filed the case but his own brothers are not a party in this case. So over all, it can be said that it will not be feasible for this court to give any relief to applicant. The claim of applicant is rejected & case is dismissed.

Dictated and corrected

  
Land Reforms Deputy Collector  
Arwal

  
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