

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ								
27-06-2018	<p style="text-align: center;">In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Miscellaneous (Vivid) Case No. 03/ 2017-18</u> Sachchida Nand Mishra- applicant Vrs. Ram Kewal Mahto- Defendant. Present- Rakesh Kumar, DCLR <u>Learned Advocate of Applicant.</u> 1. Sri. Bali Ram Pathak. 2. Sri. Satyendra Kumar. <u>Learned Advocate of Defendant.</u> 1. Sri . Gauri Shanker Mishra.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;">Schedule</p> <table border="1" data-bbox="316 974 1300 1164"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Rakwa A-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>149</td> <td>160</td> <td>01-0</td> <td style="text-align: center;">-</td> </tr> </tbody> </table> <p>Mauza-Mahuari Nurullah, PS+Anchal+Dist-Arwal. The learned advocate of applicant submitted on behalf of Sachchida Nand Mishra S/o Late Chandrashekhar Mishra, Village-Muradpur Huzra, Tola-Kagzi Mohalla, Po-Baidrabad, PS+Anchal+Dist-Arwal that appellant of this case had filed a measurement case No-20/2008 Sachida Nand Mishra Vrs Devpati Mahto & others in court of DCLR, Arwal. However, then DCLR passed the order on 30.12.2008 and directed applicant of that case to file Title suit in competent court and no other relief was given to applicant. Learned advocate informed that applicant filed an appeal case No-02/DM/2009</p>	Khata	Plot	Rakwa A-D	Boundary	149	160	01-0	-	
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(Signature)

Sachchida Nand Mishra Vrs Devpati Mahto & others in court of District Magistrate Arwal. However, then DM passed the order on 13.02.2010/10.03.2010 and approved the order of then DCLR and rejected the appeal filed by applicant. So the appellant of this case filed CWJC No-8945/2010 in Honourable High Court Patna and based on this, Honourable High Court, quashed the order of then DCLR & DM Arwal and remanded to Honourable Court of DM Arwal for fresh hearing the case of appellant. So accordingly, learned collector of the District Arwal, heard the concerning parties and remanded the case to this court for clarification on issue of Title, reviewing the documents produced by concerning parties related to measurement case, case No-914/1978 U/S 145, criminal revision No-899/1985 and order passed under Land Consolidation Act. So learned advocate of applicant reiterated all issues said in court of Honourable DM Cum Collector Arwal as mentioned in said case No-12/DM/2013 passed order on 07.07.2017 and finally, learned advocate pleaded for measurement & pillaring of the land as mentioned in schedule.

Learned advocate of opposite party stated the statements given in court of Honourable collector and read the order of then DCLR and alleged that applicant has forged the kewala and in collusion with circle office, has got the disputed land mutated in their favour and then DCLR court had refused to give any relief to applicant. Learned advocate informed that a Title Suit

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No-86/2017 Shambu Mahto & others Vrs Sachchida Nand Mishra & others, related to disputed land of this case is proceeding in court of Honourable sub-Judge-01, Arwal, so he argued that until title of the land mentioned in schedule is decided, it will not proper for this court to pass any order for measurement of the said land. So learned advocate pleaded for dismissal of the case.

Heard the learned advocates of both the parties & perused the documents available on record. So after looking the documents, it is found that opposite parties of this case are applicants in Title Suit No—86/2017 and applicants of this case are defendants in said Title Suit which is proceeding in Honourable Civil Court Arwal. So it will not be possible to give any relief to applicant of this case, as sought in their plaint until Title related to disputed land is decided by Honourable Civil Court, Arwal.

Dictated and corrected


Deputy Collector Land Reforms
Arwal


Deputy Collector Land Reforms
Arwal.

