

आदेश की क्रम
संख्या और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

In The Court Of: Land Reforms Deputy Collector, Arwal.

Case No. 33/ 2017-18

Uday Singh & others- applicant

Vrs.

Chandrama Singh & others- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri . Ramesh Prasad Singh.

Learned Advocate of opposite parties

1. Sri . Kaushalendra Mandal.

2. Sri. Ashok Kumar Singh.

3. Sri: Ranjeet Kumar.

ORDER

Both the parties appeared & present case is related to
Schedule

Khata	Plot	Rakwa A- D	Boundary
156	1541/2520	0-60	N-Main Road. S-OP No-02, 03, 04 E-OP No-01 W- Pind, Siman Mirjapur.

Mauza+Post+PS-Kinjar, Anchal-Karpi, Dist-Arwal

The learned advocate of applicant submitted that in this case, opposite parties are namely Chandrama Singh S/O Late Lagan Deep Singh(op-01), Ram Takdeer Singh alias Butan Singh S/O Late Ram Sunder Singh (op-02), Bilas Singh (op-03), Anjan Singh (op-04) both S/O Late Shyam Nandan Singh. Learned advocate informed that in mentioned khata & plot of schedule, there is an area of 19 katthas 10 Dhur and in addition to it in plot No-103, an area of 02 Bighas exists at spot and these areas of land was purchased by fore fathers of op-01 and

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accordingly concerning parties has possession over these land. He also informed that owner of these lands are paying rent to govt as "Jamabandi" exists in their name. Learned advocate also informed that in southern boundary of land mentioned in schedule, there are land of op-02, 03 & 04. However, he alleged that these opposite parties are illegally breaking the ridge and has dispossessed applicants. Learned advocate claimed that op No-01 has also dispossessed applicant from western side comprising an area of 15 desimals. Learned advocate stated that applicants tried their best to resolve the dispute by measuring the disputed land through private Amin but op's never agreed to it. So this boundary dispute of land led to filing of cases in SDM court Arwal U/S 107 & 144 of crpc where op's has not filed any reply. So learned advocate pleaded that if measurement & demarcation of disputed land is done then permanent solution can be found at spot. He also pleaded that if dispossession is found then it should be restored to applicant.

Learned advocate of opposite party one, Sri Kaushalendra Mandal submitted that land mentioned in schedule was purchased through registered kewala document 3221 dated 11.05.1955 from vendor Nanhku Singh S/O Bhagwan Singh by purchasers namely Ranjeet Singh & Ganeshi Singh S/O Shiv Prasad Singh, Chandrama Singh S/O Late Lagan Deep Singh, Lal Bahadur Singh & Munsu Singh S/O Nauzadi Singh and Devaki Nandan Lal & Rajendra Lal both S/O Mutukdhari

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Lal and these purchasers had equal share and accordingly they came into possession over disputed land. Learned advocate said that as per this kewala, Chandra Singh (op-01) has share of 15 desimals and in its north is Road, South-Ram Govind Singh, East-No. Haza, saket Kumar & Manoj Kumar West-Uday Singh (applicant) & this has been mutated in favour of purchaser and has paid rent to govt till 2017-2018. He also informed that owner of this area of land has also taken agricultural loan from Madhya Bihar Gramin Bank, Kinjar, Dist- Arwal. Learned advocate said that op-01 has nothing to do with land of applicants and refuted the allegation of applicant that he was opposed to measurement by any private Amin. However, he opposed the relief sought by applicant.

Learned advocate of op-02 & 03 submitted that land mentioned in schedule is land of Bihar Government. However, land of khata-58, plot No-1541, Rakwa-64 desimals & khata-137, plot-1541/2519, Rakwa-74 desimals of Mauza-Kinjar, Tauzi-299 is khatiani land in name of Padarath Singh S/O Gajadhar Singh, Subedar Singh, Jeevdhar Singh & Chandra Deep Singh all S/O Chotan Singh and these persons are ancestor of op 02 & 03. Learned advocate said that disputed land was never in possession of applicants. He alleged that since disputed land is Govt land, so it is not necessary for applicants to get it measured. So learned advocate pleaded for dismissal of the case.

Heard the learned advocates of all concerning

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parties. It seems that land mentioned in schedule is being claimed by applicants as it is their purchased land & so is view of op-01. However, other op's considers it to be Govt land, So they are opposed to measurement. However, after looking all aspect, it seems necessary to get the disputed land measured & demarcated, so that raiyati land & Government land, what ever may be truth can be demarcated and accordingly steps can be taken to restored to the land to raiyat or Govt. So this court directed to issue a letter to any one of the survey knowing advocate commissioners for further necessary action. So accordingly learned advocate commissioner Sri P.C. Maharaj submitted measurement report on 03.04.2018. However, the learned advocate of op-02 & op-03 are opposed to measurement report as chart land i.e. area of road is not clear and further report has not mentioned about the area of applicant which is found in possession of opposite parties.

However, after receiving this report learned advocate Sri Gauri Shanker Mishra filed an application on behalf of Sri Mahesh Singh, the own brother of Chandrama Singh (op-01) that he should be made Intervenor in this case as he along with others are six brothers and land comprising of 15 desimals which has been shown by applicant to be of op-01 has share of all brothers and Mahesh Singh claims 1/6 th of his share in this land. However, petition given by Sri Mahesh Singh was opposed by applicant as well as other op's except op-01. These parties opposed because share of Mahesh

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Singh is not clear and it is his internal problem within his family. So it was found that, Sri Mahesh Singh's application for intervening in this case, can not be allowed. However, he is free to file fresh case against op-01 & others in relation to disputed land which he claims it to be his share.

So after looking the measurement report, learned advocate commissioner Sri P.C. Maharaj was redirected to clear the doubts raised by opposite parties through letter No-428 dated 29.05.2018 and accordingly he resubmitted the report on 07.07.2018. He writes in para-15 of the report that in eastern side an area of 100 kurry of length (N to S) x 50 kurry Broad (E to W) i.e. equal to an area of 5000 sq kurry has been dispossessed by Umesh Singh S/O Late Sant Lal Singh, the owner of land of plot No-1538. Further, in para-16, he mentions that from North-West portion of plot No-2520, from West to East 145 kurry is dispossessed and its total Triangular rakwa of Eastern side is $\frac{1}{2} \times 70 \times 60 = 2100$ sq kurry and total rectangular rakwa of Western side is $70 \times 82.5 = 5775$ sq kurry i.e. 7875 sq kurry has been dispossessed by Vilas Singh S/o Late Shyam Nandan Singh. Further, in plot No-2520, after walking 145 kurry from West to East, 35 kurry (N to S) x 65 kurry (West to East) i.e. equal to 2275 kurry has been dispossessed by land owner of plot No-2519 namely Ram Takdir Singh alias Butan Singh S/O Jai Govind Singh. So as per report, learned advocate commissioner has also drawn sketch map. So after looking these

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report it is found that Sri Umesh Singh is not a party in this case, so for restoration of land from him, the applicants are being directed to approach circle officer Karpi. Further, in relation to Vilas Singh, it is found that in kewala of applicants in southern portion, name of ancestor of op 2, 3 & 4 is mentioned though as per claim of these op's in khatiyani, in Northern portion of their land 'parti kadeem' is mentioned which according to them is Government land. So in this case, circle officer Karpi is directed to verify from the record and if it is raiyati land then only applicants can be restored their dispossessed land from opposite parties otherwise none of the parties will have right to cultivate it. Further, in relation to land of owner of plot No-2519, an area of 2275 square kury has been dispossessed (encroached) by him in plot No-2520. So circle officer Karpi is being directed to restore the land to applicants. Further, all concerning parties are being directed to abide by measurement report in the light of above direction. Further, measurement report, sketch map and other documents related to it will be part of the order.

Dictated and corrected

(Signature)
19/07/18

Land Reforms Deputy Collector

Arwal

(Signature)
19/07/18

Land Reforms Deputy Collector

Arwal.